

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CARL O. WILLIAMS	§	CIVIL ACTION
Plaintiff,	§	
	§	
VS.	§	
	§	NO. 4:20-cv-04295
SHELL OIL COMPANY,	§	
Defendant.	§	
	§	
	§	

**APPENDIX IN SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

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SHELL OIL COMPANY, )  
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ZOOM AND VIDEOTAPED DEPOSITION OF  
CARL O. WILLIAMS, JR.  
FRIDAY, OCTOBER 29, 2021  
VOLUME 1

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ZOOM AND VIDEOTAPED DEPOSITION OF  
CARL O. WILLIAMS, JR., produced as a witness at the  
instance of the DEFENDANT, and duly sworn, was taken  
in the above-styled and numbered cause on Friday,  
October 29, 2021, from 10:25 a.m. to 4:33 p.m., via Zoom  
before Wendy S. Schreiber, CSR No. 9383, in and for the  
State of Texas, reported by machine shorthand, at the  
address of 5201 Memorial Drive, Apartment 310, Houston,  
Texas, 77007, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record or  
attached hereto. Job No. 760688

1 APPEARANCES

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12  
13 Video Operator - Nate Laningham (Appearing Remotely)  
14 Also present: Stephanie Jackson (Appearing Remotely)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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First Set of Interrogatories and Requests for Production of Documents to Plaintiff
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## REQUESTED DOCUMENTS/INFORMATION

NONE

## CERTIFIED QUESTIONS

NONE

1 VIDEO OPERATOR: We are now on the  
2 record. This begins media file No. 1 in the deposition  
3 of Carl Williams in the matter of Carl Williams versus  
4 Shell Oil Company in the United States District Court,  
5 Southern District of Texas, Houston Division, Civil  
6 Action No. 4:20-cv-04295.

7 Today is Friday, October 29th, 2021, and  
8 the time is 10:33 a.m. This deposition is being taken  
9 remotely at the request of Liskow & Lewis. The  
10 videographer is Nate Laningham of Magna Legal Services  
11 and the court reporter is Wendy Schreiber.

12 Will counsel and all parties present  
13 please state their appearances and whom they represent.

14 MR. HODGES: Eddie Hodges, Jr., on behalf  
15 of Mr. Carl Williams, plaintiff.

16 MS. JAMES: Kindall James on behalf of  
17 defendants, Shell and Equilon.

18 THE REPORTER: And how about Ms. Jackson?

19 MS. JACKSON: Yes, I'm in-house counsel for  
20 Shell.

21 THE REPORTER: Sir, can I get you to raise  
22 your right hand for me, please? Mr. Williams?

23 Do you solemnly swear or affirm that you  
24 are CARL O. WILLIAMS, JR. and that the testimony you are  
25 about to give shall be the truth, the whole truth and

1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3

4 CARL O. WILLIAMS, JR.,  
5 having been first duly sworn, testified as follows:

6

7 THE REPORTER: Thank you. My name is  
8 Wendy Schreiber, Texas CSR No. 9383. I am reporting the  
9 deposition remotely by stenographic means from Burleson,  
10 Texas. The witness is located in 5201 Memorial Drive,  
11 Apartment 310, in Houston, Texas.

12 You may begin.

13

14 EXAMINATION

15 Q. (BY MS. JAMES) Mr. Williams, good morning. As  
16 I mentioned earlier, my name is Kindall James. I'm the  
17 attorney for the defendants in the lawsuit that you  
18 filed in connection with the termination of your  
19 employment.

20 If you would, would you please state your  
21 name for the record?

22 A. Yes, Carl Orlando Williams, Jr.

23 Q. What is your address, Mr. Williams?

24 A. 5201 Memorial Drive, apartment 310, Houston,  
25 Texas, 77007.

1 Q. I'm trying to turn my volume up so I can hear  
2 you a little bit better.

3 Are you currently employed?

4 A. Yes.

5 Q. Who is your employer?

6 A. Nouryon Pulp and Performance Chemicals.

7 Q. What do you do for that company?

8 A. I am an account manager.

9 Q. How long have you been an account manager for  
10 Nouryon you said?

11 A. Yes, Nouryon, that's correct. I started  
12 January 18th, Martin Luther King's birthday.

13 Q. Okay. Have you ever given a deposition before?

14 A. No, ma'am, this is my first time.

15 Q. So I'll just -- I'm sure that Mr. Hodges talked  
16 to you a little bit about the way this process works but  
17 I'll just cover a few ground rules just to make sure  
18 that we're both on the same page.

19 So that you understand, you met the court  
20 reporter. Your testimony is going to be transcribed by  
21 the court reporter which means she'll make a transcript  
22 of every question that I ask and then all of the  
23 responses that you give. Since she is making a  
24 transcript of my questions and your answers, it's  
25 important that we allow each other to finish speaking

1 before the other one starts to speak. So if you would  
2 just allow me to completely finish asking my question  
3 before you give your response, I would appreciate it and  
4 so would the court reporter and I will try to do the  
5 same thing. I will try to let you finish answering the  
6 question and finish speaking before I ask my next  
7 question. It's a little bit different from normal  
8 conversations because usually in normal conversations we  
9 kind of anticipate where the other person is going and  
10 we want to jump in to speed things along but because  
11 this is -- this conversation is being transcribed, it's  
12 important that we be a little bit more formal and let  
13 each other finish speaking before we begin speaking.

14 Now, you do understand that even though  
15 we're on Zoom and we're at home you're under oath today.  
16 Do you understand that?

17 A. Yes, ma'am.

18 Q. Okay. So it's just like you're testifying in a  
19 courtroom in front of a judge. You've raised your right  
20 hand and sworn to tell the truth and give honest and  
21 complete answers to my questions.

22 And you understand that the transcript of  
23 your testimony that the court reporter creates today may  
24 be used at a trial or as an exhibit in a court pleading?  
25 Do you understand that?



1 A. Yes, I do.

2 Q. Okay. Now, if you do not understand a  
3 question, please be sure to ask me to -- or let me know  
4 that you don't understand it so that I can rephrase it  
5 or state it in a different way to make sure that you  
6 understand it and know what you are answering. Would  
7 you do that?

8 A. Yes, I will.

9 Q. Okay. Are you on any medication today?

10 A. I -- I take a daily medication.

11 Q. Okay. What kind of medication?

12 A. I take, what is it, about 10 milligrams of  
13 Lexapro.

14 Q. Okay. Anything else?

15 A. Yes. I take 100 milligrams of Lamotrigine.

16 Q. And did you take those medications this  
17 morning?

18 A. Yes.

19 Q. Any other medications that you're on this  
20 morning?

21 A. No, not at all.

22 Q. Okay. And you just took the regular prescribed  
23 dose of those medications?

24 A. Yes.

25 Q. Okay. I just have to make sure that, you know,

1     there's -- you're not on any kind of medication that  
2     might affect your ability to answer my questions  
3     truthfully.

4             A.    Okay.

5             Q.    So are you?

6             A.    I'm sorry?

7             Q.    Are you on any kind of medications that might  
8     impact your ability to understand my questions and  
9     answer them honestly and completely?

10            A.    No, not at all.

11            Q.    Okay.  Is there any other reason that you can  
12   think of that would prevent you from understanding my  
13   questions and answering them honestly and completely?

14            A.    Not at all.

15            Q.    Okay.  And you said you've never given a  
16   deposition before?

17            A.    That's correct.

18            Q.    Okay.  Have you ever been involved in any other  
19   lawsuits?

20            A.    No.

21            Q.    No other lawsuits?

22            A.    No, not -- not where I could give a deposition  
23   or anything.

24            Q.    What about one where you did not have to give a  
25   deposition?

1           A. I mean, I had a divorce but other than that, I  
2     have a separate pending case with a car accident but  
3     that's -- that's it. There's been no actual taken.

4           Q. The separate case pending related to a car  
5     accident, is that a case that you filed where you got  
6     injured as a result of a vehicle accident?

7           A. Yeah, it was dual.

8           Q. I'm sorry?

9           A. It was dual. On both ends.

10          Q. Okay. So both parties to the accident filed  
11     suit?

12          A. For that one the driver filed and then I filed  
13     in response to my insurance.

14          Q. I'm sorry?

15          A. The driver had filed first and in response I  
16     filed with my insurance.

17          Q. Okay.

18          A. Can you hear me okay?

19          Q. Yeah, I can. I guess I'm a little bit confused  
20     about your response. So you said you have a separate  
21     pending case that's filed. Were you the passenger in  
22     the car when there was an accident?

23          A. No, I was a driver.

24          Q. Okay. Because I thought you said the driver  
25     filed first and then I filed my claim?

1           A. Of the opposing vehicle that was involved in  
2 the accident, yes.

3           Q. Okay. And do you have -- have you filed a  
4 claim in -- in that lawsuit or are you just the  
5 defendant defending against the claim?

6           A. I filed a claim as well through my insurance.

7           Q. Okay. Is that the only other litigation other  
8 than your divorce and the accident related to -- I'm  
9 sorry, the action related to the car accident? Are you  
10 involved in any other legal proceeding?

11          A. Last year I had a case with the -- shortly  
12 after I had been terminated from Shell would be  
13 Montgomery County. I was charged for resisting arrest  
14 and that was in relationship to the car accident.

15          Q. Okay. Is that relates -- so that's related to  
16 the civil lawsuit that's currently pending for the  
17 vehicular accident you were involved in?

18          A. Yes.

19          Q. When was that accident?

20          A. It was -- what was it? -- May -- I think May  
21 16th of 2020.

22          Q. May 16th or May 17th of 2020 was the date of  
23 the accident?

24          A. That's correct.

25          Q. Okay. And then you said in connection with the

1 accident you were -- there was a criminal action against  
2 you for resisting arrest?

3 A. Yes.

4 Q. What happened -- what happened there?

5 A. It was -- it was an extremely-scary event, one  
6 of the scariest events of my life. I mean, I've never  
7 been involved in any infraction with law enforcement  
8 before. I was shaken by the incident itself. I mean,  
9 as I was driving, it was dark, it was raining. I was on  
10 I-45 heading south near The Woodlands, you know, not too  
11 far from Conroe and as I was driving in my lane, a FedEx  
12 truck kind of right beside me, you know, sideswiped my  
13 vehicle. So we both pulled over and, you know, we  
14 called the police. Kind of do the incident response.  
15 It was like in Montgomery County. An officer that  
16 appeared on the scene and, you know, he asked the driver  
17 and I to go back to our vehicles and get our license and  
18 registration. It was on the side of the highway. I  
19 couldn't quite hear him like the first time he said it  
20 and then the second time, you know, after he said it  
21 again I understood what he said so when I started  
22 walking towards my vehicle he asked me to -- when I took  
23 about ten feet or so he asked me to come back and I said  
24 okay and then he told me to turn around and I -- it got  
25 very scarey from there. Before I knew it he had cuffed

1 me. I was thrown on the ground and it was just a very  
2 traumatic experience.

3 Q. I'm sorry that happened to you. It sounds  
4 like -- you know, I'm looking at you when you said that  
5 resisting arrest, it was like, you know, it shocks me.  
6 I'm sorry that happened to you. It sounds like it -- go  
7 ahead.

8 A. I'm sorry, that was the charge that it was  
9 reduced to. They wanted to charge me assaulting a  
10 public servant.

11 Q. Okay.

12 A. And I had a lawyer and so forth and we -- we  
13 had it reduced because it was Montgomery County, they do  
14 things different up there, so we were just able to get  
15 it reduced to arrest -- resisting arrest.

16 Q. Okay. Okay. Any other legal proceedings other  
17 than the legal proceedings that you just mentioned  
18 related to your divorce, the car accident and the crazy  
19 situation that you just told me about?

20 A. I'm sorry, it's been tough with all these legal  
21 proceedings but -- but, no. No, ma'am. I mean, 2020  
22 was a rough year for me. To get terminated from my job,  
23 the car accident, and the police, oh, my god, the  
24 pandemic, I couldn't get a job.

25 Q. Yeah, I understand. You know, 2020 -- I mean,

1 I think maybe you've got one on me but 2020 was hard for  
2 me, too.

3 So what did you do, Mr. Williams, to get  
4 ready for your deposition today?

5 A. So, you know, I looked at the -- you know, the  
6 evidence and things that I provided that -- that  
7 supports my case and - and my racial discrimination and  
8 wrongful termination so -- so I just reviewed all the  
9 facts and things that I reported to my attorneys, you  
10 know, to call the witnesses, my references and, you  
11 know, there was just this 1,400-page document that was  
12 submitted, you know, from Shell and you guys on -- it  
13 contained e-mails and some other things I guess from  
14 your side justifying why you guys thought I should have  
15 been terminated.

16 Q. Okay. I have a couple follow-up questions and  
17 I'm going to come back to the 1,400-page document that  
18 you just mentioned. I'm not sure I know exactly what  
19 that is but we'll get into that. But I think I heard  
20 you say that you've reviewed -- to get ready for your  
21 deposition you reviewed some of the evidence that  
22 supports your claim and -- and I'd like to know  
23 specifically what documents you actually reviewed. I  
24 think you mentioned a chronology of events or something  
25 of that nature and then just generally evidence that

1 supports your claim. Can you give me more details about  
2 those documents that you reviewed that you believe  
3 supports your claim?

4 A. Yes. I -- I had submitted to my attorneys a  
5 spreadsheet that I put together chronologing what was my  
6 experience at Shell, you know, from my start date to the  
7 first questionable incident to my day of, you know,  
8 wrongful termination so that was a document that I  
9 reviewed and then I reviewed like -- I made some notes  
10 on, you know, witnesses, those that could advocate on  
11 behalf of my performance, on the caliber of my work, my  
12 experience as an employee, those who knew me at Shell  
13 and those who also had transitioned to Shell with  
14 ExxonMobil so people who have long tenure because I had  
15 only been with Shell since January -- January 28th of  
16 2020 up until termination date was May 16th so that's  
17 about 14 months.

18 Q. Okay. All right. Any other -- so anything  
19 else that you reviewed other than a chronology? And I  
20 know that you said before a 1,400-page document earlier  
21 and, again, I'll -- I'm going to ask you about that but  
22 other than the chronology and the notes on witnesses  
23 that you mentioned, did you review anything else as far  
24 as documents that you believe support your claim?

25 A. Other than reviewing our demand letter that was



1 it.

2 Q. When you say "demand letter," are you talking  
3 about the -- the lawsuit itself or something else?

4 A. Yes, the lawsuit itself.

5 Q. Okay. The petition, jury demand and request  
6 for disclosure that was filed with the Court?

7 A. Yes. There was that -- I hope I'm not confused  
8 but there was (audio distortion) and then there was also  
9 a demand letter.

10 Q. Okay, a demand letter addressed to Shell?

11 A. Yes.

12 Q. Okay. That your attorney wrote?

13 A. Correct.

14 Q. Okay. And then you said the petition as well?  
15 The lawsuit that was filed?

16 A. Yes, that's correct.

17 Q. And you kind of broke up when you were  
18 explaining this last set of documents related to the  
19 demand letter. Is there anything in this last category  
20 of documents, you know, other than the demand letter and  
21 the lawsuit filed?

22 A. You said is there any what?

23 Q. Did you mention that there were -- there were  
24 any other documents that you reviewed -- let me just  
25 take this for what we talked about so far with respect

1 to documents that you believe support your claim that  
2 you reviewed to get ready for the deposition today. I  
3 think -- so far you've mentioned the chronology of  
4 events, the notes on the witnesses, a demand letter that  
5 your attorney wrote to Shell and the lawsuit that was  
6 filed.

7 A. Yes.

8 Q. Okay. Is that -- is that the totality of -- of  
9 the documents you've reviewed that you believe support  
10 your claim?

11 A. From what I recall, yes.

12 Q. Now, you earlier -- the chronology that you  
13 mentioned, Mr. Williams, when did you put that together?

14 A. It was when I retained my attorney so that  
15 would have been in the latter part of March of last  
16 year.

17 Q. And why did you prepare the chronology?

18 A. I wanted to, you know, chronolyze the series of  
19 events that upon my experience with Shell based on my  
20 experiences and that led to my appalling -- you know,  
21 just shocking termination. And, you know, I decided to  
22 retain legal counsel to support me because I knew that I  
23 was racially discriminated and -- and --

24 Q. I'm going -- I'm going to ask you questions  
25 about your claim of racial discrimination later in the

1 deposition. So I'd like to go back to the chronology.  
2 You said you prepared it when you initially retained  
3 your attorney. You did so -- you prepared it so that  
4 you could chronolyze the series of events that led up to  
5 the termination. Another question I have, Mr. Williams,  
6 is did you -- who did you provide the chronology to?

7 A. At the time it was my attorney, Kevin Kinney.  
8 Over the past year since I've retained an attorney I've  
9 had a couple transitions of attorney.

10 Q. And when did you -- when did you initially  
11 retain an attorney? When was that?

12 A. I think I think it was the latter part of  
13 March. I was terminated on the 16th, it was like  
14 Monday, and it was virtual -- my termination was  
15 virtual. I thought it was a meeting but it ended up  
16 being a termination.

17 Q. And it was -- you said your termination date  
18 was March 16th of 2020; is that correct?

19 A. That's correct.

20 Q. And you said you retained an attorney sometime  
21 after that, between that date and the last day of March  
22 of 2020?

23 A. Sure.

24 Q. And the attorney you initially retained was  
25 Kevin Kennedy; is that correct?

1           A. That's correct. As far as the Kennard Law Firm  
2       which my current attorney representing today is Attorney  
3       Eddie Hodges.

4                   THE REPORTER: I'm sorry, this is the  
5       reporter speaking. I'm getting a lot of feedback. Can  
6       we go off the record for a minute?

7                   MS. JAMES: Sure.

8                   VIDEO OPERATOR: We are off video record.  
9       The time is 10:55 a.m.

10                   (Recess taken from 10:55 a.m. to 11:01 a.m.)

11                   VIDEO OPERATOR: We're back on the video  
12       record. It's 11:01 a.m.

13           Q. (BY MS. JAMES) All right. Mr. Williams,  
14       before we took a break to sort out technical issues that  
15       we were having we were talking about your retention of  
16       an attorney. You told me that it was in the latter part  
17       of March of 2020 that you retained I believe you said  
18       Kevin Kennedy but I believe you also said that  
19       Mr. Kennedy was with the Kennard Law Firm; is that  
20       correct?

21           A. That's correct.

22           Q. Okay. Did anyone ask you to prepare the  
23       chronology that you mentioned?

24           A. Not that I could recall particularly. I would  
25       have to go back and look. I mean, I knew that it was

1 going to help, you know, the attorney I was retaining  
2 understand the background so it was just really a part  
3 of the background of what happened, what transpired.

4 Q. And did you provide that to anyone other than  
5 Kevin Kennedy or any of the other attorneys at Kennard  
6 Law Firm?

7 A. I did not. I don't recall. This is all legal  
8 stuff.

9 Q. And then you also mentioned notes on witnesses.  
10 Is -- is that correct?

11 A. That's correct.

12 Q. Okay. And when you said "notes on witnesses,"  
13 are you referring to notes that you made?

14 A. Yes.

15 Q. Okay. When did you make notes on witnesses?

16 A. So -- so to make sure I clarify, basically when  
17 I listed my references, my advocates, you know, I listed  
18 their title, their name, my relationship with them. I  
19 mean, it was -- that was kind of like the witness sheet  
20 that I created.

21 Q. Okay. So you're referring to the witness  
22 sheet. Is that something that you created a long time  
23 ago or just recently?

24 A. No, a long time ago. Pretty much everything I  
25 composed regarding this case was, you know, March of

1 last year when I retained the Kennard Law Firm to  
2 represent me.

3 Q. Okay. So you prepared the -- the witness sheet  
4 or your notes on witnesses around the same time that you  
5 prepared the chronology?

6 A. That's correct.

7 Q. Did anyone ask you to prepare the notes on  
8 witnesses?

9 A. When -- when I read the information that they  
10 needed on the background, it might have said that on  
11 there. I do not recall particularly.

12 MR. HODGES: Objection: attorney-client.  
13 His communications that he's referring to relates to  
14 communications from his attorney and that's  
15 objectionable and it's privileged information.

16 But if it's not, then you can give that  
17 information, Mr. Williams.

18 Q. (BY MS. JAMES) Go ahead, Mr. Williams. So I  
19 don't want to hear about any communications that you had  
20 with Mr. Hodges, Mr. Kennedy or anyone at Kennard Law  
21 Firm. So when I'm asking questions, I'm not asking you  
22 to tell me about any conversations you had with your  
23 attorneys.

24 A. Oh, okay. I was confused because you asked me  
25 who told me and I was just sharing that, you know, these

1 are things when I was retaining my attorney that I  
2 submitted documents to and, you know, the chronology.  
3 So, you know, when retaining an attorney, you have to  
4 provide the background, what's your purpose and so  
5 forth.

6 Q. Okay. Did you provide your notes to anyone  
7 other than your attorneys?

8 A. Not that I recall.

9 Q. And then earlier, Mr. Williams, you mentioned  
10 reviewing a 1,400-page document. Can you tell me what  
11 that document was or describe that document for me?

12 A. I think that the title of it was the Equilon  
13 bates. I don't recall even actually what that means but  
14 it contained an extensive, you know, photographs of --  
15 and copies and scans of e-mails, of my pay stubs, of,  
16 you know, conversations between HR and my manager who  
17 terminated me and the reasons he thought I was  
18 terminated and our interactions via e-mail. So e-mails  
19 from other employees. It was basically like -- I mean,  
20 there was a huge database file containing a lot of the  
21 digital communications with myself.

22 Q. So it sounds like that is the information that  
23 my clients produced in response to discovery requests  
24 that were sent to us by your attorney.

25 Eddie, is that what -- is that what he's

1 referring to?

2 MR. HODGES: Yes.

3 MS. JAMES: Okay.

4 Q. Other than the 1,400-page document,  
5 Mr. Williams, the chronology you mentioned, notes on  
6 witnesses and the demand letter and your petition, did  
7 you review anything else to get ready for your  
8 deposition?

9 A. I did not.

10 Q. Besides reviewing the documents we've  
11 discussed, did you do anything else to get ready for  
12 your deposition?

13 A. Other than exercise this morning and drink  
14 coffee, no.

15 Q. Okay. Did you meet with your attorney? And to  
16 be clear, I don't want to know of the contents of any  
17 conversations with your attorney but I -- but did you,  
18 in fact, meet with your attorney?

19 A. Yes, we did meet yesterday and one thing I did  
20 forget to mention is that I had watched the witness  
21 deposition video so I know what to expect and how to  
22 conduct myself.

23 Q. How -- and how long did you meet with your  
24 attorney?

25 A. It was under an hour.



1 Q. Other than the video, the attorney meeting and  
2 the document that you reviewed, did you do anything else  
3 to get ready?

4 A. Not that I -- not that I can recall.

5 Q. Did you talk to anyone other than your  
6 attorneys to get ready for your deposition?

7 A. No.

8 Q. You said you're currently employed,  
9 Mr. Williams, at Nouryon; is that correct?

10 A. That's correct.

11 Q. And you said you were an account manager there?

12 A. Yes.

13 Q. What do you do as an account manager?

14 A. So I do not just manage accounts but I pursue  
15 new business similar to what I did with Shell and with  
16 Exxon for the past more than a decade of my life. But I  
17 work in a division called Engineered Polymers and the  
18 product is called Expancel and we service accounts that  
19 deal with plastics and rubber, thermostats, adhesives,  
20 glue, package things. We have sectors. And so when I  
21 came on board, I -- I have probably about 16 accounts  
22 that I support and I frequently have gone to conferences  
23 and social work to gain new accounts to purchase our  
24 products.

25 Q. I think you said that you started working for

1 Nouryon on January 18th of this year?

2 A. That's correct.

3 Q. Prior to your employment with Nouryon who were  
4 you employed with?

5 A. It was Shell.

6 Q. So is your position with Nouryon that began on  
7 January 18th of this year, is that your -- your first  
8 employment since being terminated from Shell last year  
9 in March?

10 A. That's correct.

11 Q. And that's the first job you've had?

12 A. That's correct.

13 Q. Have you performed any other type of work  
14 between your termination from Shell and your employment  
15 with Nouryon?

16 A. You know, aside from applying steadfastly for  
17 jobs during that time period despite the hiring freezes  
18 and the lockdowns and the pandemic, you know, I have an  
19 extensive history of applying for jobs on LinkedIn and  
20 Indeed. In the meantime, you know, since things were  
21 shut down I -- I -- I started an LLC called O. G. Sales  
22 Solutions in which I attempted to do some sales  
23 consulting and so forth. I might have had like one or  
24 two LinkedIn inquiries about people wanting to know  
25 about the oil-and-gas industry kind of related to what

1 my experience has been and I started doing some voice  
2 acting through Fiber in which clients would pay me a  
3 little bit. I didn't make much but it kept me busy,  
4 kept my mind focused on something during that tough time  
5 just to kind of doing children audio books,  
6 commercial-type stuff but it was all independent.

7 Q. Okay. So it was self -- self-employment,  
8 consulting work and voice-acting projects?

9 A. Yes, yes, extremely limited. It probably  
10 generated maybe \$500 total of income but I mainly  
11 survived, you know, through the Unemployment, through  
12 those -- a couple of the, you know, Unemployment and I  
13 had to, you know, rack up my credit cards. I didn't  
14 know how long the economy was going to be shut down. It  
15 was just a very stressful time.

16 Q. Did you receive Unemployment between the time  
17 you were terminated in March of 2020 until you became  
18 employed with Nouryon?

19 A. Yes. Although my termination date was March  
20 16th, I was paid for the next pay cycle until April 1st.

21 Q. Okay. When you say you were paid, you were  
22 paid by Shell through April 1st of 2020?

23 A. That's correct.

24 Q. And then after that you applied for and  
25 received Unemployment?

1           A. That's correct, as well as health insurance --  
2 health, dental, you know, vision -- because as a  
3 divorcee, I still have to take care of my ten-year-old  
4 daughter and I'm still responsible legally for child  
5 support for medical, dental and so forth.

6           Q. How long did you receive Unemployment benefits?

7           A. From the time April 1st up until January 16th.

8           Q. January 16th?

9           A. I'm sorry, the 18th, Martin Luther King's  
10 birthday. That's what I can remember that's when I  
11 started with Nouryon.

12          Q. Okay. And what was your monthly benefit that  
13 you received?

14          A. From Unemployment?

15          Q. Yes, sir.

16          A. It -- it varied because there were times when  
17 the State -- when the federal government issued, you  
18 know, the extra stimulus. I'm really not prepared to  
19 give the exact amount. It varied though. It really  
20 depends on -- it depended upon, you know, if there was a  
21 stimulus in the last couple of months and then it went  
22 away and then Congress re approved it.

23          Q. Okay. What was the lowest amount that you  
24 received?

25          A. I think --

1           Q. Look, you can give me -- I'm not going to hold  
2     you to a specific number, Mr. Williams. I'm just  
3     looking for a ballpark here if you can just, you know,  
4     approximate. And it sounds like it fluctuated and maybe  
5     the swings were big because of the stimulus so if you  
6     could just give me a ballpark of the lowest amount you  
7     received and the highest amount you ever received with  
8     the stimulus.

9           A. I mean, it would be easy for me to reference my  
10    files but the lowest end, I mean, per month I think it  
11    might have been --

12          Q. And if it's easier for you to give it to me  
13    like by the week or biweekly versus a month, then that's  
14    fine, too. Just clarify, you know, what you're telling  
15    me and, you know, for what kind of period it's for.

16          A. I think per month on the lowest end it was  
17    somewhere between six to 800 or something like that.

18          Q. Okay.

19          A. And then when the stimulus, you know, kicked  
20    in, it was about double. I think it was -- what was it,  
21    up to \$1,600 or so or more.

22          Q. Other than the Unemployment benefits and the  
23    limited income that you were able to generate through  
24    we'll call your side hustles -- the consulting work and  
25    the voice-over work -- did you have any other income

1 between March 16th of 2020 and when you started your  
2 employment with Nouryon in 2021?

3 A. No, ma'am.

4 Q. And you mentioned about -- you mentioned  
5 earlier that you're responsible for medical and dental  
6 and you also mentioned child support. Can you tell me a  
7 little bit more about your financial responsibilities  
8 on -- in that area?

9 A. Yes. My child support was \$1,200 a month and  
10 the dental, vision and so forth, what was it, I think  
11 it's around \$500 a month when I was employed.

12 Q. And did you get the dental and vision benefits,  
13 was that through Cobra?

14 A. Initially it was. I filed and then I got  
15 Blue Cross/Blue Shield of Texas. Or at least I  
16 considered it Cobra. But I mainly remember having  
17 Blue Cross/Blue Shield of Texas.

18 Q. So are you familiar with Cobra, like the  
19 continuation of the benefits that you get from your  
20 employer for a certain period of time after you're  
21 terminated from employment, right?

22 A. Yes, I am. Yes, I am. I'm looking to that  
23 because I was still covered up until, what was that,  
24 three the months or so post-termination. There was a  
25 period for me to find my own health coverage insurance

1 but, you know, the rate was the standard market rate,  
2 not the employee-Shell subsidized rate.

3 Q. So you -- it sounds like -- my understanding of  
4 what you're telling me is that you applied for the Cobra  
5 benefits and got those and paid the premiums for  
6 benefits through Cobra but then eventually went out and  
7 found other health benefits on your own?

8 A. That's not correct.

9 Q. Okay.

10 A. If I remember correctly, I price shopped around  
11 for health insurance and health-insurance coverage and I  
12 think the Cobra if I would go the same insurance through  
13 Shell it was going to cost me -- it was like upper \$800  
14 or so. It might have been in the thousands. It was a  
15 lot to maintain the insurance coverage that Shell  
16 offered me which I was probably paying about maybe \$150  
17 a pay period. So to go from \$300, you know, with their  
18 help, subsidies and so forth, to up to, I don't know, a  
19 thousand or so so I had to shop around. I considered  
20 the -- I guess the government health supplemental  
21 insurance, the Obamacare stuff. I eventually ended up,  
22 you know, going with Blue Cross/Blue Shield. I just --  
23 I just had faith, you know, despite the pandemic and the  
24 lockdown and the companies not hiring I would just get a  
25 job soon and, you know, it took, what, nine months.

1 Q. Okay. So you did not -- you didn't end up  
2 going through Cobra because you -- you said you thought  
3 the premium was too high. You actually went out and  
4 purchased health insurance independently?

5 A. That's correct.

6 Q. Did you purchase any insurance other than  
7 health insurance?

8 A. I mean, I -- nothing extra. I mean, I've  
9 always had life insurance for myself and my daughter and  
10 I do have the life insurance, you know, through Shell  
11 because when you're an employee, you know, they -- it's  
12 like two and a half times your salary and then there's a  
13 rider for my child so...

14 Q. Okay. How much was your monthly benefit for  
15 health insurance through Blue Cross/ Blue Shield that  
16 you purchased and paid for while you were out of work?

17 A. It was about \$550, if I remember correctly,  
18 somewhere in that range. Very close to that.

19 Q. And you said you always had life insurance  
20 through Shell. Following your termination -- go ahead.

21 A. I'm sorry, I said Shell being an employee, even  
22 when I worked at Exxon, they provide life insurance.  
23 It's normally like two -- two times your salary and so  
24 that was included but you're asking me about additional  
25 expenses but I was saying I also maintain my own life



1 insurance for my daughter and myself.

2 Q. How long have you had your own life insurance  
3 policy?

4 A. It's been many years or perhaps maybe that's  
5 when I got married or so, I believe.

6 Q. And you continued to maintain your own separate  
7 life insurance policy while you were unemployed?

8 A. That's correct.

9 Q. And I'm sorry if I'm repeating this question, I  
10 just can't remember whether or not I asked it. The  
11 Blue Cross/Blue Shield health insurance, is that the  
12 only health benefit that you purchased during your  
13 unemployment -- period of unemployment?

14 A. From a health standpoint, yes. It did include,  
15 you know, medical, dental and vision.

16 Q. Did you purchase any other types of benefits  
17 during the period of unemployment?

18 A. What would be some examples?

19 Q. Vision. I'm just -- you know, anything else  
20 that you purchased to replace any type of benefit that  
21 you had while you were employed with Shell?

22 A. Yeah, it was just medical, vision and dental.

23 Q. And it was all through Blue Cross/Blue Shield?

24 A. Yes, I believe so. I believe so.

25 Q. And the entire -- the total premium for that

1 per month was \$550?

2 A. Somewhere in that range. I think it was 500,  
3 550. I think it was maybe 300 and something for me and  
4 I think about 150 or so for my daughter.

5 Q. Approximately?

6 A. Yes, yes.

7 Q. So let's talk about your employment with  
8 Nouryon, Mr. Williams. What is your current salary with  
9 Nouryon?

10 A. It's \$125,000.

11 Q. Annually?

12 A. Yes. I'm a salary employee.

13 Q. And \$125,000 is your base salary; is that  
14 correct?

15 A. That's correct.

16 Q. Do you receive any bonuses or other types of  
17 incentive compensation?

18 A. There's no commission or anything, it's  
19 strictly salary and then dependent on how my company  
20 performs, my team, we may be eligible for a bonus.

21 Q. Is it a discretionary bonus meaning it's up to  
22 your employer as to whether or not they give it to you  
23 at the end of the year?

24 A. That's correct. It's not automatic.

25 Q. Do you have any benefits through Nouryon like

1 health benefits, vision benefits, anything like that?

2 A. Absolutely.

3 Q. What benefits do you have through Nouryon?

4 A. I have dental, vision, medical along with their  
5 life insurance for myself and my daughter.

6 Q. What are your monthly premiums for each of  
7 those benefits?

8 A. I think they add up to somewhere about -- their  
9 coverage is not as good as Shell and Exxon on what they  
10 offer and so forth but -- but I have to pay a lot out of  
11 pocket. But I think on a monthly basis I think it's  
12 somewhere like maybe around \$160 for my daughter and I.

13 Q. \$160 per month?

14 A. I believe so.

15 Q. And you said that's for dental, vision and  
16 medical for you and your daughter?

17 A. I guess when I include all of them, it may be  
18 \$175 or lower.

19 Q. \$175?

20 A. Or lower. But I would have to rush with my pay  
21 stubs. Somewhere between \$150, \$175 for all three.

22 Q. Do you pay for the life insurance that you  
23 mentioned?

24 A. I do for my daughter and for the one that I  
25 have through the company it may be included as being an

1 employee. I would have to -- I would have to verify  
2 that.

3 Q. Did you have life insurance for your daughter  
4 when you worked at Shell?

5 A. Yes.

6 Q. Did you have to pay for it?

7 A. I believe so. Normally for the child it's  
8 normally like -- yes, it's normally like very, you know,  
9 low but I do believe I did have it. I try to make sure  
10 I'm covered for myself and my princess.

11 Q. Do you just have one child, Mr. Williams?

12 A. That's correct.

13 Q. Does she live with you?

14 A. No, I'm the non-custodial parent and I get her  
15 three weekends of the month and today is my day to get  
16 her so I know she wants me to pick her up at 4:30 so if  
17 I'm late it's because...

18 Q. I'll do my best. How old is your daughter?

19 A. Next month her birthday is on November the 12th  
20 and she'll be 11 years old. In the fifth grade.

21 Q. I have one similar. I have a fifth grader.  
22 He'll be 11 in December, December 15th.

23 So she lives with her mother and visits you  
24 three times a month on the weekend?

25 A. Yes. I have like the non-custodial parent time

1 of possession on weekends but in the summer, you know,  
2 we exchange holidays. It's all according to our divorce  
3 decree.

4 Q. Are you remarried, Mr. Williams?

5 A. No, I'm not.

6 Q. Do you live with anyone?

7 A. I do not.

8 Q. Is your wife -- is your ex-wife remarried?

9 A. No, she's not.

10 Q. Does your ex-wife work?

11 A. From what I know she does but I have no idea  
12 what she does. I have no idea her source of employment.  
13 Our divorce decree say I'm supposed to know that but  
14 it's a mystery and I probably never will know unless I  
15 go to court or something.

16 Q. Okay. I think I've got us all the way from  
17 time of termination through employment with Nouryon.  
18 I'd like to talk a little bit about your work history  
19 prior to working for Shell. So what -- I think you  
20 mentioned ExxonMobil.

21 A. That's correct.

22 Q. When did you -- what period of time did you  
23 work for Exxon?

24 A. From, what was it, July of 2008 up until  
25 November of 2018. Slightly over ten years.

1 Q. Mr. Williams, I'm sorry to just go off topic  
2 for a second. One question I forgot to ask you is when  
3 did you get divorced? I didn't get the date for that  
4 when we were talking earlier.

5 A. I got married January 10th, 2010. I filed for  
6 divorce like May of 2016 and it was signed off and  
7 finalized in January of 2017.

8 Q. So you filed for divorce May of 2016 and  
9 finalized January of 2017?

10 A. That's correct.

11 Q. So I know I just jumped topics on you so back  
12 to Exxon. You said you were employed with Exxon July of  
13 2008 through November of 2018?

14 A. That's correct.

15 Q. What was your position with Exxon?

16 A. I've had numerous roles. When they first hired  
17 me as a graduate from Tuskegee University with a degree  
18 of mechanical engineering, you know, magna cum laude,  
19 graduated with a 3.65 GPA, I -- they hired me into a  
20 technical sales role and I had to go through a technical  
21 sales training in Sterling, Virginia. It started that  
22 summer and it ended around November, December of 2008  
23 and it was very rigorous testing, field experience but  
24 I -- I -- I passed the sales training program class and  
25 they assigned me to south Florida and the title of my

1 position was the automotive territory manager and I was  
2 based out of Fort Lauderdale and Miami, Florida.

3 Q. And you left -- you left Miami?

4 A. Well, you know, Exxon -- the head office at the  
5 time was in Sterling, Virginia and then, you know, they  
6 relocated in The Woodlands/Spring, Texas and so my  
7 advancement was limited. Although I was in beautiful  
8 south Florida working from home, you know, working from  
9 home and I did very similar work that I did for Shell in  
10 regards to working with distributors. I did that for  
11 seven years in which I would go and sell oil for my  
12 distributors and direct car dealerships, at quick lubes,  
13 at truck stops, fleets and I was very successful at it  
14 for seven years.

15 Q. And that's what you did for Exxon while you  
16 were in Miami working as the territory -- is it  
17 territory sales manager that you said?

18 A. Yeah, automotive territory -- yes, that's  
19 correct, automotive territory manager.

20 Q. So that would have been from July of 2008 until  
21 when?

22 A. Until my wife and I -- we were married at the  
23 time -- we moved here about July -- we moved to Spring,  
24 Texas in about July of 2015.

25 Q. Did you continue to work for Exxon?

1           A. Yes, yes. I transitioned from a sales role  
2 B-to-B working with distributors and customers and I was  
3 in a different role that's more marketing related to the  
4 fuel side of the business because it was the lubricant  
5 side that I did for seven years similar to what I did  
6 for Shell. They say, "Hey, we want to grow you and  
7 expand you." So they assigned me in a position called a  
8 loyalty advisor for a loyalty program on the fuel side  
9 of the business.

10          Q. Okay. You said -- you know, you mentioned  
11 the -- I think you said B-to-B earlier. I didn't know.  
12 What does that acronym mean?

13          A. Business to business. I mean, like retail you  
14 sell directly to consumers. Like if I worked at a  
15 Verizon store, you come in for a cell phone, I would  
16 sell it to you. But business to business means if you  
17 own the Verizon store and I distribute cell phones, I  
18 would come in and say, "Hey, will you sell my cell  
19 phones?" So...

20          Q. Okay.

21          A. That's B-to-B sales in which I -- I engaged  
22 with the owners of car dealerships, large companies,  
23 large dealer groups, parts and service directors, owners  
24 of truck stops and I train mechanics on -- on how to  
25 approach when people get their oil change we call it



1 best selling -- I had extensive training. One -- one  
2 thing about Exxon is that they have a very formalized  
3 onboarding, you know, where there's a program. You're  
4 doing -- it's very structured. You know, you're doing  
5 online training, you're learning products, you spend  
6 some time in the field and, you know, that -- that was  
7 one of the things that I did experience at Exxon versus  
8 Shell.

9 Q. Okay. So you said there was -- there was less  
10 training at Shell?

11 A. Yes, there was no formal onboarding. As a  
12 matter of fact, the position that I took with Shell,  
13 they had vacant for many months so it was definitely  
14 pull yourself up by your boot straps and figure it out.  
15 And it's significantly different between selling oil  
16 that goes into automotive vehicles and commercial trucks  
17 and the businesses that service those vehicles versus  
18 going into a power plant, a gas compression,  
19 construction site, injection molding, hydraulics. So  
20 much more heavy-duty industrial equipment and so I had  
21 to learn all of that on my own. You know, I -- my  
22 supervisor, he had me a couple people who were  
23 experienced to do some field rides with. You know, I  
24 even took the opportunity initially to get my own  
25 certification, machine lubrication technician just to

1 understand because I've always had the commercial skills  
2 with Exxon but I had to acquire the product knowledge  
3 and understand the industry of industrial lubricants  
4 versus automotive and commercial-vehicle lubricants.

5 Q. Okay. So when you were in Miami working for  
6 Shell you worked --

7 A. I'm sorry, that was Exxon.

8 Q. I'm sorry, I just said Shell. Sorry about  
9 that. Thank you for correcting me.

10 So when you were in Miami working for  
11 Exxon, you said you were working with the lubricant side  
12 of their business but it was commercial and automotive  
13 versus what you were doing when you were working for  
14 Shell lubricants which you explained was more  
15 industrial?

16 A. That's correct.

17 Q. Okay.

18 A. So much more technically focused. It's the  
19 difference between saying you put this oil in your car  
20 and you can go this many miles versus a massive quarter  
21 million dollar gas-compression machine that can run this  
22 many operating hours if you put this fluid in there and  
23 this preventative maintenance and doing site surveys.  
24 It was much more technically oriented.

25 Q. So the position with Shell lubricants was much

1 more technically oriented because you were working with  
2 industrial-type clients?

3 A. That's correct, yes. Just some examples would  
4 be like places that process food. You know, they have  
5 equipment that do that. Places that do packaging. They  
6 have heavy-duty equipment. They have machines that  
7 require lubricants and, you know, we have to do --  
8 submit oil samples to monitor the equipment, the quality  
9 of oil of the equipment, to see if there's any  
10 indicators of metal shavings and contamination of water.  
11 So we rely on software. I had an assigned lubrication  
12 engineer who would help me, you know, occasionally but  
13 it was mainly, you know, me. I had to be independent.  
14 And one major difference is when I was with Exxon, I  
15 worked with distributors helping them grow business  
16 similar to what I did with Shell but I also had direct  
17 customers, national accounts, OEMs, where I was  
18 responsible for that business. So I had both. Do you  
19 understand the difference?

20 Q. So it sounds to me like you're saying that with  
21 respect to some of the clients that you had when you  
22 were working with Exxon lubricants there was a  
23 distributor in between you and the end client, right?  
24 Whereas with other clients they were your direct client.  
25 Is that -- am I understanding that correctly?

1 A. Yes, that's correct.

2 Q. Okay. Now, when you were with Shell and you  
3 had the industrial client, I think you said it was  
4 different. Was there always a distributor in between  
5 you and the end client?

6 A. Yes, because I was considered an indirect  
7 business-development manager. That was my title.  
8 Indirect meaning everything I did to help Shell make  
9 money it was through my distributor so I had to depend  
10 upon my distributor to set up meetings. You know, I was  
11 mainly introducing them and I was representing Shell as  
12 the expert and SME to help advance the sale but I did  
13 not have direct relationship with the customers.

14 Q. And then the end customers were the  
15 industrial-type clients that you mentioned that, you  
16 know, run plants, processing food or equipment that they  
17 were the end client and between you two was the  
18 distributor?

19 A. That's correct.

20 Q. Okay. Okay, that's helpful for my  
21 understanding. So you said -- let's I guess go back to  
22 your work history with Exxon. So you've told me about  
23 working for the lubricant part of Exxon in Miami and  
24 then we started -- we started talking about when -- you  
25 know, your job or your role when you moved to Spring,

1 Texas to work for Exxon in July of 2015. And I asked  
2 the question about B-to-B and I think that's how we got  
3 sidetracked. So tell me what you did in your role. I  
4 think you said you were a loyalty adviser for Exxon when  
5 you moved to Spring, Texas in 2015?

6 A. That's correct.

7 Q. What -- what did you do as a loyalty adviser?

8 A. So I was considered the U.S. loyalty adviser  
9 and my responsibilities was to help expand the launching  
10 of a loyalty program called Plenti -- that's P-L-E-N-T-I  
11 -- which is no longer around but essentially what it was  
12 was a coalition loyalty program that American Express  
13 administered that included several companies:  
14 ExxonMobil, I think Rite-Aid, Macy's. So the whole idea  
15 is you get points at your Exxon gas station while  
16 pumping oil or buying -- or buying merchandise at  
17 Macy's. You have multiple options on where to redeem  
18 those points. So I was responsible for creating  
19 marketing programs. This is more project  
20 management-related work and marketing execution. So I  
21 created marketing campaigns and so forth to award  
22 cashiers as they promote the loyalty program to  
23 consumers and so the main objective was to increase the  
24 loyalty of the consumers using our program. And I led  
25 several marketing campaigns to achieve that.

1     Additionally, during that timeframe Exxon did a -- a  
2     re imaging of all of their Exxon-and-Mobil-branded gas  
3     stations so I had to work with vendors that dealt with  
4     site imaging for new signage that goes on the exterior  
5     of the buildings, the pumps and even interior,  
6     point-of-sale material. It was -- so a totally  
7     different line of work. It was a growing and learning  
8     assignment but I also -- I did well.

9             Q. How long were you in that role, Mr. Williams?

10            A. It was from, what, 2015 -- it was about -- it  
11     was about -- it was about like a year and a half or so.  
12     And then -- and then the next role that I was in was  
13     considered a projects and process adviser which I  
14     honestly didn't like. It was more like helping the  
15     business -- supporting the business with business  
16     continuity plans, looking for ways to --

17            Q. Were you still -- so you weren't a loyalty  
18     adviser at that point? Did your role change?

19            A. Yes. I was -- I changed to a -- I was assigned  
20     a different role to a different team to a different  
21     manager. So with Exxon, you know, they tell you where  
22     to work, what your next opportunity is. There's no  
23     internal job posting. It's like, "Oh, you're going to  
24     do this next." And then if you say no, then, you know,  
25     you could be out of a job or, you know, your career can

1 go downhill. At Shell and other corporations, you have  
2 more control of your career. Where there's an internal  
3 job posting, you know, you can have a career doing what  
4 you want and enjoy it and self-navigate. So -- so the  
5 different roles at Exxon were not those that I applied  
6 for. These are the ones that I was told to do.

7 Q. Okay. And I think you said you were in the  
8 U.S. loyalty role for about one and a half years so that  
9 would have been, what, until mid-2016 -- or, no,  
10 2017-ish -- sometime in 2017 is when you changed to the  
11 new role?

12 A. Let's, see, yeah, 2017 -- yeah, that's about  
13 right.

14 Q. Okay.

15 A. Yep, that's right.

16 Q. Did you move for the Exxon role that you took  
17 in 2017?

18 A. I mean, so I went through my divorce.

19 Q. Oh, no, no, I mean, just did you relocate? Did  
20 you -- you relocated when you were with lubricants and  
21 you moved to the U.S. loyalty role you relocated from  
22 Miami to Spring, Texas.

23 A. Yeah, I've always been in the Houston and  
24 Spring area.

25 Q. Okay. So when you took the new role in 2017,

1 you stayed in the Houston/Spring area?

2 A. That's correct.

3 Q. And what was the title of the role that you  
4 took in 2017?

5 A. It was project and process adviser.

6 Q. Project and process adviser. Was it a sales  
7 role?

8 A. No. It was more --

9 Q. It was different?

10 A. Yes, ma'am. It was more like analytical, kind  
11 of a business-continuity plans. It was very like  
12 ambiguous. Like just kind of nebulous. It wasn't  
13 clearly defined and structured so I really -- yeah, that  
14 was probably one of the most dissatisfactory periods of  
15 my career which led me to start seeking other employment  
16 opportunities which is why I applied and transitioned to  
17 Shell. Because Shell hired a lot of former Exxon  
18 employees knowing that Exxon does an outstanding job  
19 onboarding and training their employees and Shell, you  
20 know, they mainly hired experienced employees versus  
21 Exxon hiring out-of-college employees and training them  
22 up so they -- they do -- I had previous peers and  
23 counterparts of Exxon that worked for Shell and I was  
24 referred and so they had a position that -- that could  
25 get me back into commercial sales still doing business



1 to business although it contained -- it did not contain  
2 going to the same accounts and industries that I was  
3 accustomed to which I mentioned was car dealerships,  
4 automotive facilities and commercial vehicle trucks.  
5 But now I'm going to -- I'm still applying my same  
6 commercial sales skills but now it's power plants,  
7 construction sites, gas compression, hydraulic, food  
8 processing, places that produce sand, drilling out of  
9 West Texas. And my territory was huge.

10 Q. Okay. So we'll talk about Shell in a minute.  
11 I just want to wrap up the discussion on your experience  
12 with Exxon. So I think you said the last role started  
13 in or around 2017. It was a project and process adviser  
14 role. You didn't like it as much. You said the role  
15 was nebulously defined and you worked on  
16 business-continuity plans.

17 A. That was just different project. So the  
18 business would just kind of pitch out different  
19 projects. "Well, we need somebody to review this  
20 system. We need to update this." And so I really did  
21 not see the value in my work.

22 Q. Okay. I just want to clarify one thing. You  
23 said that in that role you were not in a sales role.

24 A. That's correct.

25 Q. Okay.

1           A. Even the previous role as a U.S. loyalty  
2 adviser, that was not a sales role.

3           Q. Okay. Did the project and process adviser  
4 role, did it have any kind of marketing component like  
5 the U.S. loyalty role?

6           A. No.

7           Q. Okay. And you -- you said you were unhappy in  
8 that role which is what led you to apply for the job  
9 with Shell?

10          A. That's correct.

11          Q. And did you voluntarily terminate your  
12 employment with Exxon or were you terminated?

13          A. No, I put in my leave. I volunteered.

14          Q. Did you have any performance issues or  
15 complaints about your performance when you worked for  
16 Exxon?

17          A. In that last role that I was in as a project  
18 and performance adviser they did question my performance  
19 in that role.

20          Q. When you say they questioned your performance,  
21 did they take any kind of action against you or write  
22 you up or what does that mean, they questioned your  
23 performance?

24          A. They -- they gave me -- it was a crazy thing.  
25 Like my co-workers didn't think it was possible but they

1 lowered my ranking significantly.

2 Q. Okay.

3 A. Where I was like in the top quintile and then  
4 they kind of moved me in the bottom ten.

5 Q. And when you -- what is your ranking? What do  
6 you mean by that? Your company performance ranking?

7 A. Yes, yes. They have a forced ranking system  
8 where they say, "Okay, you performed in the middle  
9 percentage, you performed in the top or you performed in  
10 the bottom."

11 Q. Okay. And in your prior roles you had been in  
12 the middle or the top?

13 A. I was in the middle to the top, that's correct.

14 Q. And in this role you were -- your performance  
15 ranking was lowered to the bottom?

16 A. That's correct.

17 Q. Okay. Is there like a number assigned to the  
18 ranking?

19 A. They -- they only have it internally but they  
20 do not reveal it.

21 Q. So the only thing that's revealed to you would  
22 be whether you're top, middle or low?

23 A. Yes.

24 Q. Okay.

25 A. And they normally say it's impossible within

1 one performance period to go from a middle or like 75  
2 percent quintile to be dropped to like the bottom ten.

3 Q. What do you mean -- when you say it's  
4 impossible, who says it's impossible?

5 A. Most -- most tenured employees, you know, that  
6 have been with the company and understand the ranking  
7 system. Even HR. They just said that's -- you know,  
8 that normally that doesn't happen. And I -- and I truly  
9 just felt disadvantaged because, you know, when you're  
10 in sales, your numbers speak for themselves. I was one  
11 of the top salespeople in the country, recognized, you  
12 know, consecutively for three to five years and then  
13 when I transitioned to these marketing roles and then  
14 this -- this project role doing business-continuity  
15 plans, there's no quantifiable measures for me to  
16 demonstrate my value and contributions to the company.  
17 It was -- it was very subjective. It's like I completed  
18 the project on time and then there would be times where  
19 they didn't really honestly have any work for me to do.  
20 No projects and no assignments.

21 Q. Did you like the U.S. loyalty role though?

22 A. It was enjoyable. I did. I did. And that's  
23 because I still interacted with vendors, with agencies.

24 Q. Sorry about that. Sorry.

25 A. Yeah, I was just saying I did enjoy that role.

1 You know, it was different. So I forgot to mention.  
2 So, you know, my -- my 2008 to 2015 years I was in the  
3 lubricant side of the business so I had a strong network  
4 of people that knew me within the company and so forth.  
5 You know, Carl has been a top performer. And then I was  
6 transferred and assigned to work on the fuel side of the  
7 business so it was like starting over again because I  
8 didn't know any of the managers. I didn't know anybody.  
9 But I was able to do well enough to answer questions  
10 during that role within fuels and as a U.S. loyalty  
11 adviser and I enjoyed it because I still interacted with  
12 the field. I still interacted with the lubricant  
13 distributors -- I mean, fuel distributors, marketing  
14 agencies, signage vendors.

15 Q. Okay. When you say "field distributors," are  
16 you talking about like the distributors that you had  
17 previously -- the types of distributors you had  
18 previously interacted with when you were working in the  
19 lubricant sales role in Miami for Exxon?

20 A. It was actually very limited because -- I mean,  
21 because most distributors do fuels and lubricants. You  
22 know, they sell oil lubricant and they also distribute  
23 the fuel but my -- but the fuel distributors that I  
24 interacted with --

25 Q. Go ahead. Go ahead.

1           A. -- the fuel distributors that I worked with in  
2     their marketing role was related to the gas stations  
3     that they owned.

4           Q. Okay. That makes sense. I misheard you when  
5     you initially said fuel distributors. I thought I heard  
6     field distributors. That's why I had the follow-up  
7     question. I was a little confused.

8                     And I'd like to just talk a little bit more  
9     about your last role with ExxonMobil before we move on  
10    to your employment with Shell, the project and process  
11    adviser role with Exxon that you said was not a sales  
12    role. I guess could you give me a little bit more  
13    detail about what your duties were in that role?

14          A. That -- that role was like a support function  
15    of the business. So there's no engagement with any  
16    exterior customers. It's all internal. It's like I was  
17    serving the business within the fuels division. So one  
18    of the first projects they gave me was to update and --  
19    and enhance a business-continuity plan. If something  
20    happens where the office is shut down, there's a storm,  
21    there's a hurricane, what would be the chain of  
22    communication? Is the guideline document updated on who  
23    would contact who in the event that something happened?  
24    How would business continue? How would communications  
25    take place? And it was a massive document that I had to

1 go through. I don't know, it might have been 100, 200  
2 pages, but to update it and make recommendations. And  
3 like even during that assignment itself it's like,  
4 "Okay, I updated it and these are my recommendations."  
5 You know, so there's very -- you know, it's subjective  
6 on how you, you know, judge the performance of doing a  
7 task like that when you -- when you get in projects.

8 Q. Got it. What other types of projects did you  
9 work on in the projects and process role?

10 A. There were so many like smaller ones I would  
11 really need to reference my resume to try to remember.

12 Q. Sure. And I think I actually pulled a copy of  
13 your resume from I think it was on your LinkedIn page  
14 and I'm just going to show it to you. Let's see.

15 A. Are you going to share your screen?

16 Q. Yes, sir. Did it work?

17 A. Yes.

18 Q. This -- I got this on I think your LinkedIn  
19 page. Is this a resume that you put together after your  
20 termination from Shell?

21 A. Yes.

22 Q. Okay.

23 A. Yeah, I don't even mention the projects and  
24 process adviser just because it wasn't even of much, you  
25 know, value to even articulate what I did. I just -- I

1 didn't even find that appealing to even share it with a  
2 prospective employer.

3 Q. Okay. It wasn't something that you were  
4 interested in doing again?

5 A. I -- I tried my best to be a top performer, you  
6 know, when given a task and that was something that just  
7 no structure, no defined objectives, no clear scope of  
8 work. It was just like a bunch of ad hoc projects which  
9 was extremely like disappointing considering the  
10 contributions I made to Exxon and the amount of money  
11 that I had to make during my tenure as shown on my  
12 resume.

13 MS. JAMES: The resume will be marked as  
14 Exhibit 1 to the deposition. And I'm going to stop  
15 sharing.

16 (Exhibit 1 was marked for identification.)

17 Q. (BY MS. JAMES) And you said -- you  
18 mentioned -- you mentioned the ranking in your last  
19 role. You said that they lowered your performance  
20 ranking. In connection with questioning your  
21 performance or advising you that there were issues with  
22 your performance, did Exxon do anything else besides  
23 lowering your ranking?

24 A. Yes, they did.

25 Q. What else did they do?



1           A. They put me on a performance improvement  
2 program.

3           Q. What's that?

4           A. It's an opportunity to demonstrate that you can  
5 still bring value to the company. It's like opposed to  
6 terminating you they say, "Hey, there's some performance  
7 issues but, you know, we want to give you a chance to  
8 still demonstrate that you can bring value to the  
9 company. You know, these are the areas that you need to  
10 improve like over a 90-day period or so and at the end  
11 of this 90-day period we can reevaluate, you know, your  
12 competency, you fill in the gaps and if you, you know,  
13 fulfill those gaps, you're no longer on a performance  
14 improvement program because at the end of that period,  
15 you know, it could lead to termination."

16          Q. If you failed to perform at the end of the  
17 90-day period it would lead to termination?

18          A. Correct. Yeah, if you don't meet expectations,  
19 correct. That's like -- that's like a warning. Hey,  
20 you know, there's some gaps. You know, either you  
21 improve and close these gaps or you're no longer a  
22 benefit to the company.

23          Q. Okay. When were you put on the performance  
24 improvement plan?

25          A. Let me see, I would say it was about

1 September -- August -- maybe August timeframe because  
2 Exxon does their ranking and rating review like in, what  
3 was it, March. That ends our performance calendar year  
4 and then several months later they do the report out.  
5 So -- so -- so I remember I thought I had a standard  
6 meeting with my supervisor at the time whose name was  
7 like Jason and when I met with him, HR was there and  
8 they said, "Carl, you know, we're concerned about your  
9 performance. We know you've done very well at Exxon  
10 but, you know, this current position there's some  
11 performance gaps that you need to fill. So we are --  
12 you know, are offering to allow you during this  
13 evaluation period of about 90 days to demonstrate that  
14 you, you know, can still bring value to the company and  
15 at the end of the 90 days then we sit back down and see  
16 if you met the objectives."

17 Q. And -- so that would have been in September or  
18 August of 2018?

19 A. That's correct.

20 Q. Now, you resigned from Exxon. Did you complete  
21 the performance improvement plan before resigning?

22 A. I did not. I did not because considering  
23 that -- how my career at Exxon, you know, started to  
24 pivot, I saw them putting me in that role and then --  
25 and then having that dramatic decrease in ranking I saw

1 that as them no longer valuing me as an employee to the  
2 company even after a decade and so I started to  
3 immediately seek other employment.

4 Q. In the September or August timeframe of 2018?

5 A. Well, I actually started to look before they  
6 put me on the performance improvement program. I was  
7 very dissatisfied with the role. I saw my career in a  
8 rut because they do not have an open job posting,  
9 internal job posting, and so I didn't know what my next  
10 role would be. I didn't know how long I would be in  
11 that unfulfilling position and so I wanted to work for a  
12 company where I have more control of my career and where  
13 I can do what I enjoy doing.

14 Q. Okay. Now, did you work with a recruiter or a  
15 headhunter to locate or to find a new position?

16 A. I basically leveraged LinkedIn and as I  
17 mentioned earlier, Shell hires a lot of experienced  
18 oil-and-gas employees and so I had quite a few peers --  
19 maybe six to a dozen -- that knew me during my tenure at  
20 Exxon and they had transitioned to Shell so I was able  
21 to get a referral for the position at Shell based on  
22 someone who knew me, my overachievement at Exxon, and,  
23 you know, the hiring manager interviewed me amongst  
24 other candidates at Shell and they selected me for that  
25 role.

1 Q. Okay. And who -- you said who -- who was the  
2 peer at Shell who gave you the reference? I'm sorry,  
3 the -- I'm sorry, that was a confusing question.

4 So I think you said someone who was  
5 employed by Shell had worked with you at ExxonMobil  
6 previously and they gave you a reference and that's kind  
7 of how you got the job with Shell. I was wondering who  
8 that person was.

9 A. That person's name was Steven Stack.

10 Q. S-T-A-C-K?

11 A. Steven, S-T-E-V-E-N.

12 Q. And then the last name?

13 A. Stack, S-T-A-C-K.

14 Q. Okay. Is he still with Shell?

15 A. I believe so. I have several other peers as  
16 well.

17 Q. What -- who were the other peers that you  
18 mentioned from ExxonMobil who left ExxonMobil to work  
19 for Shell?

20 A. Lucas Kerley, Tamika Greer, Randy -- I can't  
21 remember Randy's last name. I think it's Stevenson.  
22 There was another guy, I think his name was Pedro but I  
23 didn't know him as much.

24 Q. I'm sorry, Paige?

25 A. I think it was Pedro.

1 Q. Oh, Pedro.

2 A. I believe so. But within my circle at Exxon  
3 there was a handful that I knew, some that I worked  
4 closely with like Lucas, Steven and Tamika.

5 Q. Lucas -- I think you said Lucas you believe is  
6 still with Shell. What about Lucas and Tamika?

7 A. I'm sorry, you just said Lucas twice. You  
8 meant Steven is still with Shell?

9 Q. That's what I meant, yeah.

10 A. I think all of them are.

11 Q. Okay. So Lucas and Tamika are also still both  
12 with Shell?

13 A. I believe so. I haven't, you know, been in  
14 contact with them but it's possible that all of those  
15 individuals are still with Shell.

16 Q. As far as you know?

17 A. Yes.

18 Q. Steven Stack -- so the names Lucas and Tamika,  
19 those names are familiar to me. I think I've seen them  
20 in some of the documents. Maybe they worked with you in  
21 the department that you worked for when you were with  
22 Shell; is that correct?

23 A. Tamika and I were on the same team reporting to  
24 Xavier, yes. We were on the same team doing the same  
25 role. And -- and I should mention that the supervisor

1 who terminated me was not the supervisor who hired me.

2 Q. Okay. So we'll talk about that in a minute.

3 Steven, was he in a different -- with a different group  
4 or a different team at Shell?

5 A. He was a part of the same division but he  
6 reported to a different supervisor. He did not report  
7 to the same supervisor as I did. And he was not sales.  
8 He was more like a distributor business manager, coach.  
9 So like I worked with the sales reps with my  
10 distributors and he would be the one that will work  
11 directly with the principals on products, movement,  
12 sales pipeline, pricing, logistics. That was his role.

13 Q. Okay. And you said Tamika -- you and Tamika  
14 both had the same role and you worked on the same team  
15 for the same supervisor?

16 A. Correct.

17 Q. Lucas, was he in the same role as you?

18 A. He was not in the same role but he was -- he  
19 was a technical adviser. He worked with me.

20 Q. He was -- he worked for the same division of  
21 Shell?

22 A. Yeah, the same division but he had -- he had a  
23 more technical role. He was considered a lubrication  
24 engineer. I was considered a business-development  
25 manager and we worked on several business opportunities

1 and particularly in Louisiana with one of our  
2 distributors. So we had direct commercial engagement  
3 and activities with Shell.

4 Q. Who was his supervisor?

5 A. I think it was -- I don't want to -- it was  
6 Xavier. It might have been John McDonnell, I believe.  
7 I may be wrong. I may be wrong. I just know he had  
8 some issues. He was an advocate, you know, and he  
9 understood what happened and so is Tamika because she  
10 actually had some issues as well because we were the  
11 only two African-Americans on the team, Tamika and I.

12 Q. Okay. So I'll -- I'm going to come back to you  
13 about you're calling them advocates. I'd probably call  
14 them witnesses because I'm an attorney but I'm going to  
15 come back and ask you about witnesses. I made the note  
16 to ask about those two.

17 So, let's see, just going back to you  
18 coming onboard with Shell and starting employment with  
19 Shell, when was that?

20 A. My start date?

21 Q. Yes, start date.

22 A. Yes, it was January 18th, Martin Luther King's  
23 birthday, 2019.

24 Q. Martin Luther King Day again?

25 A. Yes.

1 Q. Oh, so you had like two jobs in a row --  
2 because I thought Nouryon you said you -- yeah --

3 A. Hold on. You know what? I'm sorry. No,  
4 I'm thinking -- you're right. I was thinking Nouryon.  
5 That's Nouryon, okay?

6 Q. Yes.

7 A. With Shell it was the week before the  
8 Super Bowl. I think it was January 26. I know I  
9 started a Monday before the Super Bowl.

10 Q. Okay. And you said you had a different  
11 supervisor when you first started working for Shell.  
12 Who was your supervisor when you first started working  
13 for Shell?

14 A. His name was Eric Boydstun.

15 Q. Was your role the same when you first started  
16 or did you change roles at some point?

17 A. No, it was the same role but there was a big  
18 change in January and there was a change when I  
19 transitioned to Xavier. What was it, August I think it  
20 was official.

21 Q. Okay. So we'll talk about those changes in a  
22 bit. Let's first talk about what your role was when --  
23 when you hired on. What was the title?

24 A. It was -- I was considered a  
25 business-development manager and I was a part of the



1 indirect industrial business channel.

2 Q. And that -- and your title remained the same  
3 from your start date until your termination date?

4 A. That's correct.

5 Q. And just to go back to your start date, it was  
6 January 26 of 2019; is that correct?

7 A. That's correct.

8 Q. Okay. And when you first came on, your  
9 supervisor was Eric Boydstun?

10 A. Correct. It was the 26th or the 28th.

11 Q. That's okay. I'm not --

12 A. It was before the Super Bowl.

13 Q. That's fine. I'm sure it's in a document  
14 somewhere so we'll know the exact date. You said your  
15 supervisor when you were hired on was Eric Boydstun.  
16 Can you spell that?

17 A. Yes, B-O-Y-D-S-T-U-N. Yeah, he hired me and  
18 was a champion for me. I did not get the chance to  
19 continue to matriculate with him.

20 Q. When you say he was a champion for you, what do  
21 you mean?

22 A. I just -- our relationship -- you know, he just  
23 believed in me. He was very positive. You know, he  
24 wanted to see me do well. You know, he was just -- you  
25 know, he was glad to have me on the team. He believed

1 in me. He believed in the people that referred me like  
2 Steven Stack. You know, typically ExxonMobil hirees  
3 that transition to Shell do very well. He really had  
4 high hopes and good expectations for me.

5 Q. Okay. And did you have a good working  
6 relationship with him?

7 A. I did. I did. I will say although I started  
8 January like 28th, my actual -- so there was no  
9 onboarding, right? It was like, "Carl, like here's your  
10 computer, here's your car. You know, you can go onto  
11 the training website and, you know, learn about the  
12 products. I'll try to get you set up with a couple of  
13 people to go visit some of these accounts." You know,  
14 it was very like back of the napkin type of, you know,  
15 like "Learn the best you can. You'll get it." And so I  
16 really did not start even engaging with customers like  
17 until like June. Up until then it was getting used to  
18 Shell, doing all -- doing company trainings, some field  
19 rides here and there. So I actually did not start my  
20 sales role even meeting my distributors until June of  
21 2020.

22 Q. So between --

23 A. Sorry, June of 2019. Excuse me.

24 Q. Yeah. So between January of 2019 when you  
25 started and June of 2019 you said it was getting used to

1 Shell, doing some training. What kind of -- what kind  
2 of training were you doing during that time?

3 A. I was reading about the products. I was doing  
4 online trainings on all the industrial machinery from  
5 pumps to gears to hydraulic systems, gas compression, to  
6 compressors, natural gas engine, the oil analysis system  
7 so I was learning the Shell product lineup because  
8 there's a lot of products because industrial is so huge,  
9 you know, anything from servicing windmills to turbines,  
10 it was a whole new world from a technical debtness,  
11 learning the products and understanding the  
12 applications.

13 Q. Did you -- was that training provided by Shell?  
14 Like it was something they did online?

15 A. I did attend I think at least one -- I know I  
16 attended at least one in-person training because we did  
17 have a training -- a learning adviser and I was able to  
18 attend a training, I recall, in person that lasted a few  
19 days.

20 Q. And what was -- what was the subject matter of  
21 that training?

22 A. It was related to my role. It was -- it also  
23 included some external customers so -- but, yeah, it was  
24 related to the equipment, maintenance, I believe some of  
25 the products. That's -- that's what I recall.

1 Q. Okay. And you said that was an in-person  
2 training. I think you mentioned that in addition to the  
3 in-person training you also did some online training?

4 A. Correct. And I consulted with our training  
5 adviser about, you know, what different modules should I  
6 take, different videos should I watch in addition -- as  
7 well as some of the experienced business-development  
8 managers like talking on the phone with them, getting  
9 advice from them. And then I had a couple field rides  
10 where I would go on site and visit some of these places,  
11 these plants, industrial accounts to understand how to  
12 approach them.

13 Q. Did somebody assist you or go with you for  
14 these field rides?

15 A. No. Well, I joined alongside the experienced  
16 employee so it wasn't independent.

17 Q. Okay. So it was like a ride-along?

18 A. Right.

19 Q. Yeah. So you went with another employee who  
20 was doing the job to see how they did it?

21 A. Correct.

22 Q. Do you recall who took you for the field ride?

23 A. I remember Gary -- what was his last name? --  
24 Worley, I think. He was up in Chicago.

25 Q. Okay.

1           A. I remember spending time with Gary. It was  
2 about -- what was it, about a week? We started in  
3 Chicago and then went up to Green Bay, visited a couple  
4 of accounts, got to witness an in-person training on  
5 maintaining the equipment and optimization and I did a  
6 field ride in Texas with the guy who used to be in my  
7 role but he had left and he was doing something totally  
8 different. I remember his name was Jess, J-E-S-S. I  
9 don't remember his last name.

10           Q. Okay.

11           A. I do remember spending time with Gib Wheatley.  
12 He was a lubrication technician similar -- same role as  
13 Lucas Kerley. We visited some accounts and did some  
14 training. Those are like the main three that I can  
15 recall.

16           Q. Okay. I'm sorry, I'm taking notes. Bear with  
17 me.

18                   MR. HODGES: I was going to say on the  
19 record, we are going on two hours now. Mr. Williams, if  
20 you need a break, just let her know.

21                   MS. JAMES: Yeah, and we're -- I was  
22 thinking I was going to pause maybe 12:30, 12:45 so that  
23 we could all just grab a quick bite to eat. Does that  
24 sound reasonable?

25                   MR. HODGES: That works.

1 Q. (BY MS. JAMES) Okay. And did -- Mr. Williams,  
2 with respect to the field rides, I know that you said  
3 one of them was with an individual in Chicago and then  
4 there were others that you did with Jess who had the  
5 role before you as well as Gib Weebley?

6 A. Gib Wheatley.

7 Q. Weekly?

8 A. I think it's W-H-E-A-T-L-E-Y.

9 Q. Wheatley. Okay. Did you actually -- did you  
10 go to any accounts that you began to work with once you  
11 actually started performing the role on your own in  
12 June?

13 A. No. I was just exposed to some of the  
14 applications that I could possibly encounter.

15 Q. And did anyone -- I mean, did Eric, your  
16 supervisor at the time, or anyone else ask you to attend  
17 those field rides with these individuals?

18 A. No, these were recommendations made by Eric.  
19 He had sent e-mails saying, you know, "Carl is a new  
20 person on the team. Let's get him -- you know, do some  
21 field rides with him in his field to expose him to the  
22 industry, some of the applications so he can see it  
23 live."

24 Q. What about the in-person training that you  
25 mentioned and the online training which I think you

1 described as learning about the external customers, the  
2 equipment, the maintenance and the products? For that  
3 training, I mean, did Eric ask -- you know, ask you to  
4 do that or how did that come about?

5 MR. HODGES: Objection to form. Can you  
6 rephrase the question?

7 If you understand the question,  
8 Mr. Williams, you can answer. If not, she can rephrase.

9 THE WITNESS: Please rephrase.

10 Q. (BY MS. JAMES) How did the training -- the  
11 online training and the in-person training that you  
12 mentioned earlier, how did that training come about?

13 A. My supervisor, Eric, connected me with a  
14 training adviser whose name was Kenneth Aucoin and  
15 Kenneth made me aware of an in-person training that he  
16 was doing and he recommended online modules that I  
17 should take.

18 Q. Okay. And these are the activities that you  
19 performed or were involved with between your hire date  
20 in June of 2019, correct?

21 A. You said my hire date?

22 Q. Yes. I think -- I think you said between your  
23 hire date and June of 2019 you did not start your sales  
24 role; that you were doing the online training and the --  
25 and the ride-alongs in the field. Is that correct?

1 A. That's correct.

2 Q. Okay. In June of 2019 that's when you actually  
3 started going out and doing your role as a  
4 business-development manager?

5 A. I started to meet my distributors. So it  
6 wasn't even -- it wasn't like I was selling day one. It  
7 was like, "Carl, this is the owner of this distributor  
8 of O'Rourke and MidTex and Breaux Petroleum. These are  
9 the distributors that you will support and do  
10 ride-alongs." And so even then it was like  
11 introduction. I had to, you know, meet these people,  
12 get to know them and then start to set up field rides  
13 with them, see what the sales pipeline is, see where  
14 they need help.

15 Q. Okay. So who -- who introduced you to the  
16 distributors?

17 A. The -- the distributor we'll call him icons,  
18 the one that we had his name was Jarrett Enochs.

19 Q. Okay.

20 A. He was one that introduced me to MidTex and  
21 O'Rourke Petroleum. And then I had Alex Sudyk who  
22 introduced me to Breaux Petroleum.

23 THE REPORTER: I'm sorry, it was what  
24 Petroleum?

25 THE WITNESS: They're located in Lake



1 Charles, Louisiana. They're called Breaux. That's  
2 B-R-E-A-U-X.

3 THE REPORTER: Thank you.

4 THE WITNESS: Thanks.

5 Q. (BY MS. JAMES) And I think -- what was the  
6 name of the individual that you said introduced you to  
7 MidTex? I'm sorry, I missed that.

8 A. His name was Jarrett, last name Enochs. I  
9 think it's like E-N-O-C-H.

10 Q. What was Jarrett Enochs' role with Shell?

11 A. The same role as Steven Stack. He manages the  
12 relationship with the distributor from a  
13 product-acquisition standpoint, product portfolio, sales  
14 goals. Overall more of a high-level business strategy  
15 review management. Not directly sales related but  
16 more -- more strategy, implementation, goals, yeah.

17 Q. And did Jarrett in that role, did he have an  
18 assigned -- specific assigned accounts that he was  
19 working with?

20 A. So Jarrett was only responsible for the  
21 distributors and the distributors had accounts --  
22 existing customers that they were working with,  
23 prospects that they were pursuing.

24 Q. Okay.

25 A. Now, he might have helped here and there, you

1 know, to kind of fit in because, like I said, my  
2 territory was vacant so many times when an employee is  
3 hired there's usually a transition period between an  
4 incumbent and the new but I didn't have that.

5 Q. Okay. Was -- you mentioned earlier somebody in  
6 the name of Jess who maybe had filled your role  
7 previously?

8 A. Yes.

9 Q. Who -- do you recall his last name?

10 A. I do not. I know they called him Jess,  
11 J-E-S-S.

12 Q. When you say he filled your role previously --  
13 well, I'm a little bit confused because you said the  
14 role was vacant and then you had mentioned Jess as he  
15 filled your role completely. Can you explain what --  
16 clear that up a little bit for me?

17 A. So prior to me being hired, Jess had moved on  
18 to a different role, different responsibilities.  
19 More -- I think it's like more national account  
20 management or account specific so he was no longer  
21 supporting the distributors, the accounts that I  
22 supported, and I think the role was vacant for eight  
23 months or more. I can't remember the exact timeframe.

24 Q. Oh, okay. Got it. Other than Jarrett and  
25 Enochs -- sorry, Jarrett and Alex, did anybody else take

1 you out to introduce you to the distributors?

2 A. No, because they were responsible. And this is  
3 only during this transitory period --

4 Q. Okay.

5 A. -- during that time because in January of 2020  
6 things changed up. I had more accounts, a larger area.

7 Q. So tell me about your -- when you started  
8 visiting accounts in June of 2019, what was -- what was  
9 your area at that time?

10 A. So I mainly worked with the three distributors  
11 that I mentioned which is MidTex, O'Rourke Petroleum and  
12 Breaux Petroleum. And so MidTex they were located in  
13 San Antonio so they covered like the San Antonio,  
14 Austin, South Texas area.

15 O'Rourke has coverage mainly everywhere  
16 from Dallas to, what, south of Houston. I guess Corpus  
17 Christi all the way to Beaumont.

18 And then Breaux Petroleum in Lake Charles,  
19 Louisiana, Baton Rouge and the maybe 250-mile radius or  
20 200-mile surrounding area there in Louisiana. But they  
21 also have a distribution office and facility in Lake  
22 Charles and New Orleans and that's Breaux Petroleum that  
23 I'm speaking of so...

24 Q. Got it. And what about MidTex?

25 A. Yeah, they're the ones based out of San

1 Antonio.

2 Q. Okay, got it.

3 A. O'Rourke has an office in Dallas as well as  
4 Houston -- Houston. I guess Beaumont, too, yeah.

5 Q. So was your territory -- did -- is it -- is it  
6 accurate to call it a territory? Did you have a  
7 territory when you were in the business-development role  
8 with Shell?

9 A. Yes, it was everywhere my distributors went.  
10 Those three distributors I mentioned, their area of  
11 coverage.

12 Q. You were actually assigned to three specific  
13 distributors and your area tracked whatever area they  
14 serviced?

15 A. That's correct.

16 Q. I'm almost to a stopping point.

17 So when you started performing the sales  
18 role in June, Mr. Williams, of 2019, did you have any  
19 other assigned accounts besides MidTex, O'Rourke and  
20 Breaux?

21 A. I did not.

22 Q. Okay. All right. I think for now we can take  
23 a break so everybody can grab some lunch. I'm flexible.  
24 I know that you want to get finished as early as  
25 possible so do we want to try to get back on the record

1 for about 1:30?

2 A. Can we just -- what about 1:15?

3 MS. JAMES: Sure. Sure. Absolutely.

4 MR. HODGES: That works.

5 VIDEO OPERATOR: We are off video record.  
6 The time is 12:40 p.m.

7 (Recess taken from 12:40 p.m. to 1:20 p.m.)

8 VIDEO OPERATOR: We are back on the video  
9 record. The time is 1:20 p.m.

10 Q. (BY MS. JAMES) All right. Before the break,  
11 Mr. Williams, we were talking about your position with  
12 Shell from your start date until June of 2019 and then  
13 we started getting into the accounts that you were  
14 assigned to. You mentioned to me some individuals who  
15 worked in different roles from you that were more of a  
16 technical role. I have a couple of questions about  
17 those individuals.

18 Their names are Jarrett Enochs and Alex  
19 Sudyk; is that correct?

20 A. That's correct.

21 Q. Can you tell me what their title was?

22 A. It was indirect channel textile manager.

23 Q. Was that the same title as Lucas Kerley that we  
24 talked about earlier?

25 A. No.

1 Q. Did you have a good relationship with Alex and  
2 Jarrett?

3 A. Yeah, I would say it was good. You know, it  
4 was a good working relationship. We supported the same  
5 distributors. The difference is is that I was on the  
6 boots on the ground working directly with the account  
7 reps and they were mostly only engaging with the sales  
8 managers.

9 Q. And who did Alex -- did Alex and Jarrett report  
10 to the same person?

11 A. They did not.

12 Q. Who did they report to, each of them?

13 A. It might have been -- I don't recall. I think  
14 it was John. I know my supervisor -- all of the  
15 business-development managers reported to him. So I was  
16 about one of seven or so and then we had to hire some  
17 more people.

18 Q. John -- was it John McDonnell?

19 A. I think so.

20 Q. And is that who your manager reported to as  
21 well?

22 A. No, he reported to Jesus.

23 Q. Okay. So you think Alex and Jarrett may have  
24 reported to John McDonnell?

25 A. I would say.

1 Q. Okay. What was Lucas Kerley's position?

2 A. Let's see, he was considered a technical  
3 adviser.

4 Q. Who did Lucas report to?

5 A. I know it was a senior technical guy. I do not  
6 recall the name.

7 Q. It wasn't Eric or Xavier?

8 A. No.

9 Q. And you said he -- Lucas was a technical  
10 adviser; is that correct?

11 A. Yes.

12 Q. So he was not in a business-development role  
13 like yours?

14 A. Correct. He was a technical adviser who would  
15 assist me as he and I went on several calls together  
16 supporting my distributor in Lake Charles. He was out  
17 at Breaux Petroleum.

18 Q. What kind of assistance or support did he  
19 provide with respect to your sales calls?

20 A. So we had a couple visits with an account, at  
21 least we were trying to get at least one set up where we  
22 would walk the plant, we would look for opportunities,  
23 check what -- check what type of lubrication they're  
24 using. We would look and check how they stored their  
25 lubricant, if it's properly stored, if it's labeled so

1     there's no cross-contamination. If they have any oil  
2     monitoring systems. We would look and see if they have  
3     a maintenance log and, you know, how do they maintain  
4     their equipment, is it systemized or do they just create  
5     a manual log? So we would find ways to increase  
6     efficiencies and reduce costs at these plants.

7             Q. And that would then help you I guess service  
8     the client or service the distributor in growing its  
9     client base?

10            A. That's correct.

11            Q. Okay.

12            A. Please remind me to share a story with you -- a  
13     testimony about Lucas I guess later, unless you want me  
14     to share it now.

15            Q. Is that -- I think -- is that one of the  
16     incidents mentioned in your -- I think it might be your  
17     Complaint or your EEOC charge? I do recall that his  
18     name comes up in one of your filings.

19            A. That's correct.

20            Q. I absolutely will ask you about that,  
21     Mr. Williams.

22            A. Okay.

23            Q. Now, was Lucas assigned to certain accounts or  
24     did he help business-development individuals like  
25     yourself just as needed with different accounts?



1           A. It was both. He would support national  
2 accounts directly that Shell had and he would also  
3 assist business-development managers like myself. But  
4 they all have a territory. And I think he lives in  
5 Arkansas so he would drive down to Louisiana whenever I  
6 needed his support with BreauX Petroleum.

7           Q. Do you know who his national accounts were?

8           A. I think they were accounts perhaps like  
9 International Paper. I remember him calling on some  
10 paper mills. I kind of remember some of the industries  
11 but not necessarily the -- the names. I remember -- I  
12 don't -- I remember some of the technical advisers  
13 calling -- calling on ArcelorMittal. They produce  
14 steel. They were like a national account.  
15 International Paper, Schlumberger was one. Not that he  
16 called on but some of our direct accounts.

17          Q. Sure. All right. So before the break we were  
18 talking about the three client accounts that you were  
19 working with including MidTex, O'Rourke and BreauX and  
20 where those were located. You said that your role and  
21 responsibilities changed at some point in January of  
22 2020?

23          A. My -- my -- my role was the same but my --

24          Q. Okay.

25          A. I went from supporting, what, three

1 distributors to seven and my geography changed from, if  
2 you remember, mid to South Texas to western Louisiana.  
3 I no longer had Louisiana but I -- January I now had the  
4 whole State of Texas and the whole State of Oklahoma.

5 Q. And what caused that change?

6 A. They did a realignment. They hired some --  
7 some other people. They moved some experienced  
8 employees around so they just -- kind of like a market  
9 realignment. It dramatically increased my territory,  
10 you know, time on the road, because they expect us to be  
11 on the road four days a week, every week.

12 Q. Did other people -- you said there was a  
13 realignment. Who all was impacted by the realignment as  
14 far as you know?

15 A. The business-development managers. So in my  
16 business we had industrial business-development managers  
17 like myself and we also had transportation. And so that  
18 transportation is the same role that I did at Exxon,  
19 calling on commercial truck dealers, truck stops and  
20 fleets, but there's a team of about I think it was eight  
21 or nine of us that represented to Xavier.

22 Q. Oh, and it was both industrial and  
23 transportation business-development managers that  
24 reported up to Xavier?

25 A. That's correct.

1 Q. The realignment that you mentioned, did that  
2 impact both the industrial and transportation  
3 business-development managers or just one group?

4 A. Yes, it did. Yeah, it impacted everything.

5 Q. Impacted both groups?

6 A. Yes.

7 Q. So before the realignment you had  
8 responsibilities in Texas, Louisiana and Oklahoma?

9 A. No, just Texas and Louisiana.

10 Q. Oh, just Texas and just Louisiana.

11 A. And it wasn't the whole state. Right, it was  
12 not the whole state. It was just the area of coverage  
13 for Breaux, for MidTex and for O'Rourke.

14 Q. Got it. The realignment, did that change the  
15 territories for business-development managers such that  
16 they were responsible for the entirety of a region as  
17 opposed to select accounts?

18 A. Yes.

19 Q. Select distributors, excuse me.

20 A. Yes, that's absolutely correct.

21 Q. Okay. So instead of being assigned to --  
22 directly to specific distributors, now all the  
23 business-development managers after the change were  
24 assigned to specific areas?

25 A. Well, it was distributors but within a state,

1 of your assigned state.

2 Q. Right. So every distributor within that state?

3 A. Yes.

4 Q. Okay. Did you continue working for the same  
5 account after the realignment?

6 A. All of them except Breaux.

7 Q. Did you pick up any new accounts?

8 A. About five.

9 Q. And you mentioned that your territory was all  
10 of Texas and all of Louisiana after the realignment?

11 A. No, ma'am, all of Texas and all of Oklahoma.

12 Q. Okay. Sorry about that. All of Texas and all  
13 of Oklahoma. I'm glad I asked. Who got the Louisiana  
14 territory, do you know?

15 A. I don't remember his name. He was new to the  
16 team and he's the one who started working with Breaux  
17 Petroleum. I cannot recall his name.

18 Q. What other states did he have besides  
19 Louisiana, if you remember?

20 A. It was either two to three states. It might  
21 have been -- I would be guessing like big time. Yeah,  
22 there was --

23 Q. So you don't know specifically?

24 A. I do not recall exactly his geography.

25 Q. And you can't remember this individual's name?

1 A. Unfortunately I cannot.

2 Q. I was going -- I'm going to show you a  
3 document. I'm just getting to it but my computer is  
4 moving slowly. I was going to pull up your EEOC charge.

5 Oh, one thing to follow up and confirm. I  
6 know you mentioned that at some point after your hire  
7 date your manager changed from Eric Boydstun to -- I  
8 call him Xavier Puvilland but it sounds like it's not  
9 the right way to say it.

10 A. In French they say Xavier.

11 Q. Xavier. Okay. So Xavier became your manager  
12 on or around July 1st of 2019. Does that sound right?

13 A. We met around the middle of July. I was  
14 introduced and it was effective August 1st.

15 (Exhibit 2 was marked for identification.)

16 Q. (BY MS. JAMES) Let's see. All right, I'm  
17 going to share my screen and this will be Exhibit 2.  
18 Oh, I have to push "Share." So this is the EEOC charge,  
19 Mr. Williams, that you filed against Shell Oil.

20 A. It's a little small.

21 Q. Oh, it is. Okay. Let's see.

22 A. There you go.

23 Q. I was going to let you read through it and then  
24 I was going to ask you some questions about the content.  
25 So if you want to let me know when you're ready for me

1 to scroll down.

2 A. You can scroll down.

3 Q. And just so you can see the top, I think when I  
4 scrolled in for some reason it zoomed in.

5 A. I'm good.

6 Q. Okay. You're good?

7 A. I see there --

8 Q. Is this -- go ahead.

9 A. I just said I see there -- what was it? The  
10 next page -- I guess I'll wait until we get to it but it  
11 says eight distributors as opposed to seven. I would  
12 have to go back and recount -- and count because I know  
13 I previously had three and then I -- I think there was  
14 like one that was assigned to me but they -- they really  
15 were not aligned so it was a total of eight. I see that  
16 there. I thought it was seven.

17 Q. You told me seven earlier.

18 A. I might have left one out.

19 Q. That's okay. All right. So we'll mark this.  
20 This will be Exhibit 2, your EEOC charge. And I just  
21 want to confirm that that is your signature.

22 A. Yes.

23 Q. Is this a true-and-correct copy of the charge  
24 you filed with the Equal Employment Opportunity -- I'm  
25 sorry, Equal Opportunity -- Equal Employment Opportunity

1 Commission, the EEOC?

2 A. Yes.

3 Q. Okay. And the unlawful actions that you are  
4 claiming Shell engaged in include race discrimination  
5 and retaliation. Is that -- is that correct?

6 A. That is correct.

7 Q. And you're claiming that for purposes of this  
8 lawsuit those are the two unlawful actions that you're  
9 claiming Shell engaged in, correct?

10 A. That's correct.

11 Q. Okay. While we're at it, I'd like to get you  
12 to take a look at your discovery responses. Let's see,  
13 I'm wondering if it would be easier for me -- this is  
14 kind of a long document and I'm wondering if it might be  
15 easier for me to send it to you via Chat so that you  
16 have control over scrolling it through -- scrolling  
17 through it on your own. That way -- you know, that way  
18 you can just review it. What I'd like you to do is  
19 review the interrogatory responses and just confirm for  
20 me that they are complete and accurate.

21 A. You said as opposed to looking at them on your  
22 screen?

23 Q. Yes, because it's kind of long and I think it  
24 would just be easier so that you, you know, had control  
25 over the mouse and could scroll down and review it.

1 This is -- these are your written responses to my  
2 client's interrogatory requests, the questions that we  
3 sent in written discovery where we asked for certain  
4 information and you provided the response.

5 A. Okay. So we're going to go through all of  
6 these?

7 Q. No. What I'd like you to do is just read  
8 through them and confirm -- confirm that the responses  
9 are complete and accurate.

10 A. Okay. All 24 pages, right?

11 Q. Actually, it would just be the responses to  
12 interrogatories which is on the first, let's see, 16  
13 pages.

14 A. Okay.

15 MS. JAMES: And this -- this will be  
16 Exhibit 3.

17 (Exhibit 3 was marked for identification.)

18 Q. (BY MS. JAMES) And -- and, Mr. Williams, just  
19 so you know, the interrogatory questions and the  
20 responses start on page 5. So it would be pages 5  
21 through 16.

22 A. Okay.

23 Q. The first couple of pages are the title and  
24 just some other things. So I'm going to -- did you see  
25 anything come through?



1 A. Yes.

2 Q. You did?

3 A. Yes, I did.

4 Q. Okay. Good. So just for the record in case I  
5 forgot to say it the EEOC charge will be Exhibit 2 and  
6 Plaintiff's Responses to Written Discovery will be  
7 Exhibit 3.

8 A. Okay, Response to Interrogatory 1 looks  
9 correct.

10 Q. Okay. Thank you.

11 A. Interrogatory No. 2 looks correct. I see it  
12 had the unemployment amount that I had tried to figure  
13 out earlier.

14 Interrogatory 3 I see that it's missing  
15 Nouryon so I guess we need to make a note of that  
16 because I received an offer from Nouryon who is my  
17 current employer.

18 Q. Is that the only information that's missing  
19 from No. 3?

20 A. Yes. So I would just like to add to  
21 Interrogatory 3 -- I mean, I applied, I don't know, 80  
22 or 100 times. I mean, a lot, but the ones I listed here  
23 are those that I actually had interviews with and went  
24 through the process and whether an offer was extended or  
25 not extended.

1 Q. Okay. So just to clarify, Interrogatory No. 3  
2 asked you about all employers from whom you sought  
3 employment following your termination from Shell in  
4 March of 2020. Just to make sure I understand, your  
5 Response to Interrogatory No. 3 includes employers that  
6 you actually interviewed with but you're telling me that  
7 it does not include a number of employers where you  
8 applied but there was no further steps?

9 A. Correct.

10 Q. Okay.

11 A. Now, I don't know if it's important but I do  
12 believe I have a list -- I can get references of all  
13 those other companies I applied to.

14 Q. Okay.

15 A. Interrogatory 4 looks correct.

16 Interrogatory 5, everything looks correct  
17 except Ashley Phelp's last name is misspelled. And  
18 Bradlee Adams was not a customer, he was a distributor.  
19 He's a distributor rep.

20 Q. Okay.

21 A. No. 6 looks correct.

22 No. 7 looks correct.

23 No. 8 looks correct.

24 I'm trying to make sure I understand  
25 Interrogatory No. 9 that I responded correctly at the

1 time. "Identify each person with the knowledge of any  
2 facts or circumstances and all documents supporting the  
3 allegations set forth."

4 Q. If you mind, do you have a copy of the lawsuit  
5 handy?

6 A. I would have to find it.

7 Q. I can share it.

8 A. The one from T&T?

9 Q. No, the lawsuit that you filed in court. So  
10 what that interrogatory asks, Mr. Williams, is what, you  
11 know, witnesses -- well, let me get back to it to make  
12 sure that I'm -- I'm thinking of the right one. So  
13 Interrogatory 9, okay, it asks for each person with  
14 knowledge of any facts or circumstances and documents  
15 supporting the allegations set forth in paragraph 16.  
16 So we're asking you to identify witnesses and any  
17 documents that you have to support your allegations that  
18 you made in paragraph 16 of the lawsuit that you filed  
19 in court.

20 A. Okay. And where is paragraph 16?

21 Q. I'm going to get to that for you. Let's see.  
22 So this is the -- this is the lawsuit.

23 A. Okay. Can you give me a copy of that in the  
24 Chat as well?

25 Q. Sure.

1           A. Thank you. A lot of these people are not  
2 correct. I don't know if this was misinterpreted at the  
3 time or what. But to rely on some of the individuals we  
4 spoke about earlier, Lucas Kerley definitely. Tamika  
5 Greer is missing. Steven Stack is missing. Yeah, those  
6 others -- Connie Griffin, Staci Hendon, Paige Chenier,  
7 Yinka and Holly Burns -- none of those should be listed.  
8 There's some other names that should be added.

9           Q. Okay.

10          A. Tracie Haygood, and that's T-R-A-C-I-E,  
11 H-A-Y-G-O-O-D.

12          Q. Damon?

13          A. Damon Higginbotham.

14          Q. Got it.

15          A. Yeah, I guess those would be the main ones kind  
16 of like internally with Shell, you know, that can kind  
17 of attest to my allegation.

18          Q. Okay.

19          A. So I guess from a witnessing, there were others  
20 that I mentioned who could account to my performance and  
21 professionalism but I don't know necessarily if that  
22 needs to go in here as well.

23          Q. Okay.

24          A. Now, does it?

25          Q. Who -- well, why don't you tell me who you

1 think are witnesses who would testify that -- I think  
2 what you're telling me is these are witnesses who would  
3 testify that your performance was good and that you  
4 exhibited professionalism in doing your job?

5 A. Yes. Yes, that's correct.

6 Q. Okay. Who are those witnesses?

7 A. Lucas Kerley.

8 Q. Okay.

9 A. I would say Gib Wheatley.

10 Q. Okay.

11 A. Okay, let's see, some of the actual distributor  
12 reps like Bradlee Adams.

13 Q. Who did Bradlee work for?

14 A. He worked for O'Rourke. He's no longer with  
15 them. Ashley Phelps was another.

16 Q. Who does -- who did she work for?

17 A. O'Rourke.

18 Q. Is she still with them?

19 A. Perhaps. I believe so the last time I spoke  
20 with her. And there's one more guy from O'Rourke in  
21 Dallas -- I can't think of his name -- that I spent time  
22 with. Oh, Robert Hernandez.

23 Q. Is he still with O'Rourke?

24 A. I think so. Yeah, I think so.

25 Q. So these individuals that you just listed, they

1 are individuals that you believe would testify as to  
2 your good performance and professionalism while you were  
3 employed with Shell?

4 A. That's correct. I mean, there's others, too.  
5 Like I didn't name any from MidTex. I worked quite a  
6 bit with Tiffany Self. She's a rep for MidTex. Let's  
7 see, Todd Pitts, he's like a senior salesperson with  
8 RelaDyne. Tom Nicholas, he's also with RelaDyne.

9 Q. Was that -- was RelaDyne a distributor,  
10 Mr. Williams?

11 A. Yes, it was one of the new distributors that I  
12 spent a lot of time with in January.

13 Q. Okay.

14 A. January -- the first quarter of 2020. Jane --  
15 Jane Tumlinson, she's a sales manager for MidTex.

16 Q. MidTex?

17 A. Yes, M-I-D-T-E-X.

18 Q. And that's the account that moved to another  
19 individual after this realignment occurred?

20 A. No, that was Breaux Petroleum.

21 Q. Oh, I'm sorry. You kept MidTex?

22 A. Yes, because they're in San Antonio, Texas.

23 Q. All right.

24 A. Quality Petroleum was another one. I did quite  
25 a bit of work, I starting to, with L. J. Kangas. That's

1 K-A-N-G-A-S. He's the sales manager of Quality.

2 Q. I'm sorry, can you tell me the MidTex -- the  
3 individual with MidTex?

4 A. The sales manager's name is Jane, J-A-N-E,  
5 Tumlinson. That's T-U-M-L-I-N-S-O-N.

6 Q. Okay.

7 A. And the other rep that I've mentioned that I  
8 spent quite a bit of time, her name is Tiffany Self.  
9 And I was just talking about Quality Petroleum. L. J.  
10 Kangas and I started working extensively with these guys  
11 in -- this distributor January or the first quarter of  
12 this year, and really started making good progress.

13 Q. Okay.

14 A. And they had a few reps that I spent time with,  
15 too. Kevin -- Kevin Simple, Rick Riley, Cody Brewer, I  
16 just started to, like... I also want to mention with  
17 Breaux Petroleum I spent a lot of time with one of their  
18 sales reps named Clayton Rougeou. That's R-O-U-G-E-O-U.  
19 I spent extensive time with Clayton.

20 Q. With Breaux Petroleum?

21 A. Yes. Between him and the sales manager -- his  
22 name was Michael Mike -- if I remember his last name  
23 correctly. I don't -- what was it? I may have him  
24 confused with somebody else, Hinderliter or something,  
25 but I know the sales manager there was Mike and he was

1 with Breaux Petroleum. There's another Shell employee I  
2 want to mention that can also attest to my  
3 professionalism and performance. His name is Jim  
4 Engleskurkin. He's similar to Lucas Kerley being a  
5 technical adviser. And the last one that I would  
6 mention who is also a technical adviser is John  
7 McGhay. Or John McGhay.

8 Q. Okay.

9 A. So with those corrections, those additions and  
10 those removals of removing Connie Griffin, Staci  
11 Henderson -- Hendon, Paige Chenier, Yinka, Holly Burns I  
12 would question all of those.

13 Q. Okay. And tell me about -- tell me about the  
14 reason for removing the individuals that you just  
15 identified from this response.

16 A. I -- I guess my relationship -- I don't -- I  
17 don't recall who some of these are even listed,  
18 especially like Yinka, Paige. I mean, I know Connie,  
19 Stacy, Paige and Yinka they're all African-American  
20 employees but I didn't work directly with them.

21 Q. Okay.

22 A. Yeah.

23 Q. Who did -- who did those three employees work  
24 for or with?

25 A. They were part of total different division



1 lines.

2 Q. Okay. What division was that?

3 A. I have no idea. It varies.

4 Q. Were they with lubricants or --

5 A. No.

6 Q. Okay.

7 A. They could have been with fuels, bio --

8 Q. Okay.

9 A. -- IT.

10 Q. Okay. So neither Connie, Paige or Yinka worked  
11 with lubricants?

12 A. Correct. We would definitely remove Holly  
13 Burns.

14 Q. And why do you want to remove Holly Burns?

15 A. I guess in my statement she was -- you know,  
16 that first document you had me to read from the EEOC the  
17 activity -- highlighted there, you know, highlights her  
18 behavior and accusations.

19 Q. Okay. So you don't believe she would be a  
20 witness who would be supportive of your claims?

21 A. That's correct.

22 Q. Okay.

23 A. So with that that completes Interrogatory 9.

24 Q. Okay. Thank you.

25 A. So I would say exactly -- I'm noticing a carbon

1 copy of names from Interrogatory 9 is the same as  
2 Interrogatory 10 so, yeah, we need to remove, Connie,  
3 Staci, Paige, Yinka and Holly again.

4 Q. Okay. So it would be the same changes?

5 A. Yeah, but I'm trying to see. So the first  
6 Interrogatory 9 supports, you know, those who can speak  
7 on behalf of my like professionalism. And, let's see,  
8 Interrogatory 10 says, "Please describe in detail all  
9 the facts and circumstances supporting your claim that  
10 Defendants discriminated against you 'in connection with  
11 the compensation, terms, conditions, and privileges of  
12 employment or limited, segregated, or classified [you]  
13 in a manner that would deprive or tend to deprive' you  
14 of an employment opportunity or adversely affected your  
15 status because of your opposition based on race, as  
16 alleged in paragraph 17 of your Complaint. Identify  
17 each person with knowledge of any facts or circumstances  
18 and all documents supporting the allegations in  
19 paragraph 17."

20 Did you put that in the Chat?

21 Q. I did.

22 A. So, yeah, with this one, let's see, the  
23 individuals will be Lucas Kerley, Tamika Greer, Steven  
24 Stack, Tracie Haygood.

25 Q. It sounds like the same additions that we

1 talked about in connection with the last one. So far it  
2 does.

3 A. Okay, will you repeat the names we mentioned on  
4 the last one?

5 Q. Sure. So you mentioned Tamika Greer, Steven  
6 Stack, Tracie Haygood, Damon Higginbotham, Lucas Kerley,  
7 Wheatley and you also mentioned -- I'm not going to name  
8 each individual but various individuals -- some of the  
9 distributors like O'Rourke. Those included -- I'll list  
10 the individuals for O'Rourke. You said Robert  
11 Hernandez, Bradlee Adams, Ashley Phelps. MidTex you  
12 mentioned Jane Tumlinson. And then Quality Petroleum  
13 you mentioned L. J. Kangas. And you also -- go ahead.

14 A. I see. So, yeah, all those individuals that  
15 can support my position on professionalism and  
16 performance that defends my case of wrongful  
17 termination, racial discrimination, retaliation. Okay.

18 So Interrogatory 10 it pertains  
19 specifically to each person related to -- that I guess  
20 can attest to race to support discrimination, correct?  
21 That can support my -- is that how you interpret the  
22 difference between the two?

23 Q. So you're on 10 versus 11?

24 A. No, I'm on 10 versus 9.

25 Q. Okay. So in both of them I'm -- the question

1 is for you to identify witnesses who can support the  
2 allegations made in that particular paragraph of the  
3 Complaint that's referenced in the question.

4 A. Okay.

5 Q. So it depends on what -- I have to pull up the  
6 Complaint.

7 A. So 17 is the Complaint against -- let's see, 16  
8 says defendant engaged in unlawful employment practices  
9 against plaintiff on the basis of race. Okay. Then 17  
10 says, "Defendant discriminated against plaintiff in  
11 connection with the compensation terms..." --

12 Q. I think paragraph 17 is -- well, it's another  
13 paragraph that states that you were discriminated  
14 against based on your race.

15 A. Okay. So they're pretty much the same.

16 Q. Okay.

17 A. Right?

18 Q. Yeah. I mean, both 16 and 17 allege race  
19 discrimination. So you just want to -- I just need to  
20 know all the witnesses, who would be witnesses who would  
21 be able to testify in support of your claim of race  
22 discrimination.

23 A. Okay. So when I look at those individuals all  
24 that are listed in 9, you know, some of them can attest  
25 to race related and then others, you know, race

1 concerns, unfair treatment whether it was just my  
2 situation or including their own the few  
3 African-Americans that are listed and then some of the  
4 others support the performance and professionalism.

5 Q. Right.

6 A. Yeah, so we can just do a carbon copy of both  
7 of those.

8 Q. Okay.

9 A. So we would do the same thing for Interrogatory  
10 11.

11 Q. Okay.

12 A. Then that will be complete. Now I'm looking at  
13 the next one.

14 Q. Okay.

15 A. It's referencing Complaint I guess it was 21  
16 "Plaintiff good faith engaged in -- engaged in protected  
17 activity, an example making protected complaints  
18 regarding differential treatment based on race and sex."  
19 So I'm supposed to list -- now on Interrogatory 12, can  
20 you just clarify this -- this interrogatory statement  
21 and what -- what is it really asking here?

22 Q. I would like -- so you -- it asks for a couple  
23 of different things, Mr. Williams. Your attorney what  
24 they ultimately provided was a list of witnesses and I  
25 just want to make sure I have a complete list of

1 witnesses to any wrongful conduct whether it's, you  
2 know, race discrimination, retaliation or any other  
3 wrongful conduct that your claims are based on.

4 A. Okay. So it would be that same list.

5 Q. Okay.

6 A. All right. If that's what that's saying. I'm  
7 just -- I don't know why it just seems perplexing to me  
8 as I read --

9 Q. Well, because probably -- I've asked that  
10 question with respect to each individual allegation or a  
11 lot of the individual allegations. So it probably seems  
12 repetitive but I just need to make sure that I have a  
13 complete list of any witness that you would rely on to  
14 support your claims of any wrongful action that you are  
15 alleging against Shell in the lawsuit.

16 A. Okay. Now I'm reading Interrogatory 13. Yeah,  
17 it would be the same. Same group of people, the  
18 extensive list.

19 Q. Okay.

20 A. The only thing I would add to Interrogatory 14  
21 in regards to my response to the mental anguish and pain  
22 was like I sought like extensive massage treatment  
23 because my neck and -- like the stress from the incident  
24 caused my neck and muscles to like really be inflamed.

25 Q. So you said you would add that you sought

1 treatment from a massage therapist for neck-and-muscle  
2 tension?

3 A. Yeah, to help alleviate stress. One of the  
4 things about me is when I get in very stressful  
5 situations, my muscles tend to tense up and I feel  
6 tightness in my neck and traps and all that.

7 Q. Okay.

8 A. So with that said I would consider  
9 Interrogatory 14 complete.

10 Now I'm looking at Interrogatory 15. So I  
11 consider Interrogatory 15 complete.

12 On Interrogatory 16 in my response I would  
13 remove Jarrett Enochs. And I'm not sure if it's fair to  
14 keep the HR adviser in there. I just didn't like how  
15 she withheld information from me from some of the  
16 documents that I was requesting. So I guess that's --

17 Q. The HR person would be Kristia?

18 A. Kristia, yes. And that 1,400-page document she  
19 was e-mailing her supervisor somebody and they were  
20 telling her to not send me -- e-mail certain things, to  
21 wait until I call. You know, just kind of intentionally  
22 withholding. I think I was asking for like the employee  
23 handbook and some other questions and I didn't like how  
24 she was compliant.

25 Q. Okay.

1           A.    So now I'm on Interrog -- that completes  
2   Interrogatory 16.

3                   Now, Interrogatory 17.  I don't recall.  I  
4   don't recall the name of the individual with the EEOC.  
5   I just have to assume that that's right unless I can  
6   verify that.  All representatives from the EEOC, I would  
7   have to investigate if that was the person.

8           Q.    Okay.

9           A.    I don't know if you want me to search through  
10   my e-mails and look it up?

11          Q.    Well, so this is -- this is -- let me ask you  
12   about that, Mr. Williams.  So Interrogatory 17 asks that  
13   you identify all representatives of the EEOC with whom  
14   you or your counsel communicated in connection with your  
15   charge or the lawsuit.  Your recollection is that there  
16   was one individual and you don't recall specifically  
17   their name.  Is that what you're telling me?

18          A.    Yes.

19          Q.    Did you personally communicate with someone  
20   from the EEOC or did your lawyer do that on your behalf?

21          A.    I think my lawyer did it on my behalf because  
22   I know they submitted it and in the process I put out  
23   some paperwork.  I really vaguely remember.

24          Q.    Okay.  There's one thing -- so I do have a  
25   question about one of the interrogatory responses,



1 Mr. Williams, your response to Interrogatory No. 4. We  
2 asked you for any and all statements whether written  
3 tapes, videotapes or otherwise recorded that you  
4 obtained in connection with the claims in this lawsuit  
5 and your response in Interrogatory No. 4 states that you  
6 are in possession of statements made by Tracie Haygood,  
7 Tamika Greer, Lucas Kerley and Kristia Encarnacion.

8 A. Yes.

9 Q. What statements do you have from each of those  
10 individuals?

11 A. I have e-mails for some. I'll have to check  
12 and see what I submitted. I think I have an e-mail or  
13 two and a phone conversation.

14 Q. Okay. So this specific interrogatory,  
15 Mr. Williams, was actually really just asking about any  
16 written statements that you have, you know, where a  
17 witness types up a statement and then signs it as, you  
18 know, their statement about facts that happened with  
19 respect to your claim. Do you have anything like that  
20 from any of these witnesses listed in response to  
21 Interrogatory No. 4?

22 A. I do believe I recall submitting an e-mail that  
23 I was given permission to share but I don't -- it wasn't  
24 formally signed the way you described it.

25 Q. Okay. But it was an e-mail from some -- one of

1 these individuals?

2 A. Tracie Haygood.

3 Q. And did she send you the e-mail?

4 A. Yes, I believe so. Yeah, I'm pretty sure she  
5 did. I would just have to, I mean, find it.

6 Q. Do you recall when she sent you the e-mail?

7 A. It would have been in the March or so  
8 timeframe. I remember sending it. Let me see if I can  
9 find it. Let's see, statement of support.

10 Q. Do you have a copy?

11 A. I do.

12 Q. Did you provide that to your attorneys?

13 A. I think I did. Yeah, it should have been in  
14 the repository.

15 Q. I don't think that was produced to us. Would  
16 you mind sharing it with your attorney so that he can  
17 take a look at it and get it to me? Because this is my  
18 only chance to ask you questions in connection with your  
19 lawsuit and I have noticed that Response to  
20 Interrogatory No. 4 stated that you were in possession  
21 of statements and we asked not only that you identify  
22 any statements, that you also produce statements.  
23 Remember following the interrogatories we provided  
24 requests for production where we asked that you provide  
25 certain documents. One of the categories of documents

1 that we requested, Mr. Williams, were any statements  
2 that were identified in the interrogatory responses and  
3 we did not see a statement from Ms. Haygood. I did  
4 write to your attorneys last week and I did not receive  
5 anything in response and since this is my only  
6 opportunity to talk with you before, you know, any trial  
7 in this case, I'm hoping that I can get a copy of what  
8 you're talking about before we conclude this deposition  
9 so that I can ask some questions about it. So if you  
10 wouldn't mind -- but I would like for you to just send  
11 the statement to your attorney so that he can take a  
12 look at it and make sure that there's no privileged  
13 information in it and that it can be produced to me.

14 But what you've described to me,  
15 Mr. Williams, you said that you -- you have an e-mail  
16 from Tracie Haygood. Is the subject line "Statement of  
17 Support"?

18 A. Yes, it is. And, Attorney Hodges, I sent it to  
19 you, sir. You should have it.

20 MR. HODGES: I have it here. I'm looking  
21 over it. Then I'll send it over to you shortly.

22 MS. JAMES: Thank you.

23 THE WITNESS: May I have a five-minute  
24 break?

25 MS. JAMES: Sure.

1 VIDEO OPERATOR: We're off video record.  
2 The time is 2:29 p.m.

3 (Recess taken from 2:29 p.m. to 2:46 p.m.)

4 VIDEO OPERATOR: We're back on the video  
5 record. It is 2:46 p.m.

6 Q. (BY MS. JAMES) All right. So I do have a copy  
7 now, Mr. Williams, of the statement that you obtained  
8 from Ms. Haygood. And it looks, Mr. Williams, like an  
9 e-mail that she sent you on June 22nd, 2020, with the  
10 subject line "Statement of Support" and she says at the  
11 end -- Mr. Williams, I have a question about the  
12 statement. She says, "Best wishes in your arbitration  
13 next week." What -- what is she referring to by  
14 "arbitration"?

15 A. We had a mediation meeting through Shell's  
16 Resolve program. I guess you didn't know that?

17 Q. Well, I thought that's what it meant but I was  
18 just confirming. Yes, I did realize there was a  
19 mediation through the Resolve program but the reference  
20 to arbitration threw me off so I just wanted to make  
21 sure that that's what it was referring to.

22 A. Okay.

23 Q. Tracie Haygood, Mr. Williams, how do you know  
24 her from Shell?

25 A. Let me -- we met at Shell. They have affinity

1 groups and we're both African-American and she actually  
2 used to work with my manager who terminated me, Xavier,  
3 and so she -- she kind of sympathized with me with his  
4 actions because she's seen, I guess, questionable  
5 behavior by him and how he treats other employees.

6 Q. Okay. Now, was Xavier Ms. Haygood's  
7 supervisor?

8 A. I don't -- I don't -- I don't recall if she  
9 reported to him or she just kind of supported him. You  
10 know, sometimes you kind of work with people on a  
11 project or something but I do not -- I'm not sure if she  
12 was a direct report or not but I know she had quite a  
13 few commercial business engagements with Mr. Xavier and  
14 there was just questions about his leadership style, you  
15 know, the way he'd treat employees that -- that -- that  
16 she saw consistent.

17 Q. Okay. Can you be more specific about what  
18 those questions were?

19 A. I would -- I would have to look at her  
20 statement but right now, I mean, I would be trying to  
21 recall a verbal conversation I had with her and it would  
22 be unfair for me to misquote her but I do know that  
23 there was questionable leadership, maybe unfairness.  
24 Even -- even my peers like Tamika Greer she had managers  
25 that were similar to Xavier in other roles before he got

1 in position like my predecessor -- his predecessor Eric,  
2 the guy who hired me, Eric Boydstun, and there was  
3 questions amongst management and tenured employees about  
4 Mr. Xavier's qualification to have that position.

5 Q. Okay. So I think the question that you  
6 mentioned that Ms. Haygood had about Xavier you said  
7 that you do not recall the exact questions; that you and  
8 her discussed them in verbal conversations; is that  
9 correct?

10 A. That's correct. I do not have a written  
11 statement from her detailing her concerns and  
12 interactions with him.

13 Q. Okay.

14 A. I obtained a statement of support that she  
15 wrote. As you can see, it -- it details similar  
16 discriminatory treatment that she encountered at Shell.

17 Q. Okay. So about Xavier, do you recall any  
18 specific circumstances or complaints that Ms. Haygood  
19 expressed to you about Xavier? Xavier, excuse me.

20 A. Because I used to say Javier -- I used to live  
21 in Miami so I would say Xavier, I would say Xavier and  
22 I'm not used to French so I had to practice it.

23 Q. Yeah.

24 A. But I recall her saying things like lack of  
25 trust. You know, you've got to be on your toes with

1 this guy. He don't seem like he has your -- my best  
2 interests in mind. You know, kind of stern, difficult  
3 to work with, not -- not personable, not approachable.  
4 Those are some of like the characteristics in which she  
5 described her interactions with him.

6 Q. Okay. Can you recall any other description of  
7 Xavier that Ms. Haygood gave Xavier specifically?

8 A. I don't remember like specific names or  
9 anything but there were comments made about his -- his  
10 management style and how he treat people and there were  
11 elements of unfairness in there from her comments. Kind  
12 of like preferential towards certain employees. That  
13 type of behavior.

14 Q. Okay. Any other criticisms that Ms. Haygood  
15 expressed to you about Xavier or his management style?

16 A. From her interaction that was the main one is  
17 just really, you know, seems like a person who could,  
18 you know, I guess kind of throw you under the bus, you  
19 know, your Ps and Qs. You know, she's seen him just  
20 kind of I guess take advantage of people I guess to get  
21 to where he got to but -- and even that was a question  
22 within itself. For example, my other counterpart,  
23 Tamika Greer, you know, she was former Exxon on the same  
24 team as I reporting to Xavier. You know, she made  
25 comments about, you know, his style, his sternness, some

1 of the -- some of the last-minute requests, unreasonable  
2 expectations to be on the road for four days a week,  
3 because all that was a change, you know, even time on  
4 the road but even Tamika herself similar to the  
5 sentiments -- the statement of support you read from  
6 Ms. Haygood, Tamika also shared with me that she was  
7 passed over from -- from -- for some positions and even  
8 denied bonuses and as a result I believe it was in 2019  
9 she had filed a complaint to HR and an EEOC complaint  
10 and she shared that with me.

11 Q. Okay. So I want to make sure that for  
12 Ms. Haygood, Mr. Williams, I'd like to make sure that  
13 you've told me about all the complaints or issues that  
14 Ms. Haygood raised with you and then we can talk about  
15 Tamika.

16 My understanding is Ms. Haygood told you  
17 that she had questions about Mr. -- Xavier's treatment  
18 of some people, his management style. She mentioned  
19 things like lack of trust; that she had to be on her  
20 toes, he was difficult to work with, not approachable,  
21 and that there was preferential treatment for some  
22 individuals. Is that correct?

23 A. That's correct.

24 Q. And you said -- do you recall the role that  
25 Ms. Haygood worked in?



1 A. I don't recall the exact role.

2 Q. Was she on -- was she in -- within your -- did  
3 she work within your group?

4 A. Not when she worked with Xavier. This is  
5 before she was in the role.

6 Q. So she was not one of the business-development  
7 managers reporting to Xavier?

8 A. That's correct.

9 Q. Okay. Tamika, on the other hand, was one of  
10 the business-development managers who also reported to  
11 Xavier like you did?

12 A. That's correct.

13 Q. Was Tamika on the transportation side or on the  
14 lubricant side?

15 A. Well, all of it is lubricants.

16 Q. Oh, I'm sorry, transportation or industrial,  
17 excuse me.

18 A. Industrial. Yes, she was.

19 Q. She was industrial just like you?

20 A. Yes.

21 Q. Okay.

22 A. She just had been doing it for about four  
23 years, you know, before -- you know, I was a newbie in  
24 industrial.

25 Q. Okay. Got it. Other than Tamika and

1 Ms. Haygood, did anyone else raise any issues about  
2 Xavier?

3 A. I mean, other than the other direct reports  
4 that -- that reported to him, the other team members,  
5 there was Bob McDonald who reported to him, some name  
6 some other -- we had a new guy named Eugenio --

7 Q. Okay.

8 A. -- who reported to him.

9 Q. Is Tracie Haygood the only one outside of the  
10 business-development -- business-development managers  
11 who reported to him that raised concerns that she had  
12 about him with you?

13 A. Yes, that they had other previous engagements  
14 with him, yes.

15 Q. Okay. And the examples that you just -- that  
16 you gave me that she raised as far as questions about  
17 Xavier, they were all, you know, I guess general  
18 questions or issues like, you know, you mentioned lack  
19 of trust, have to be on your toes, he's difficult, not  
20 personable, not approachable, she had questions about  
21 his management style. Did she ever give you any  
22 specific examples of any of those issues?

23 A. Not -- that was over a year and a half ago.

24 Q. Okay. I understand.

25 A. I can't recall.

1 Q. So you don't recall any specific examples that  
2 she shared with you with respect to any of these issues?

3 A. Not like -- not like employee names but she  
4 remembered incidences. You know, she stated incidences  
5 the way that he acted and behaved and responded to  
6 situations and even to her that was -- that was very  
7 difficult.

8 Q. Do you recall any specific examples that she  
9 shared with you?

10 A. I do not recall the exact situation.

11 Q. Okay. Did she ever share any examples of  
12 preferential treatment with you?

13 A. That's supported in her statement.

14 Q. Okay. I -- so I did not read her statement to  
15 be directed at Xavier. I thought it was more about her  
16 role and potentially people she reported to.

17 A. Uh-huh.

18 Q. Do you know whether any of the issues she's  
19 raising in her statement has to do with Xavier?

20 A. I do not know that particular in her statement.  
21 I wish I would have requested that statement in specific  
22 to Xavier. That would have been easier.

23 Q. Now, you mentioned that Tamika also raised  
24 concerns about Xavier and that it's your belief that she  
25 charged an EEOC charge and HR complaint in 2019?

1           A. It might have been 2019 or 2018 because she had  
2       been in the role for several years. I think she  
3       actually filed, you know, before Xavier.

4           Q. Okay.

5           A. Yeah. I think she filed before Xavier.

6           Q. Okay.

7           A. For doing the same thing.

8           Q. Just to clarify, the EEOC charge and HR  
9       complaint that you believe she filed were things that  
10      she filed before she reported to Xavier or Xavier,  
11      excuse me?

12          A. I do believe that's correct, yeah, but I think  
13      her experiences -- I mean, you know, Xavier is the  
14      direct manager or supervisor but I guess there was just  
15      a line of perhaps a management question of unfair  
16      treatment, you know, even upper management to  
17      well-performing African-American employees. And Tamika  
18      explicitly told me that her previous supervisor who was  
19      a lady stated that -- who was in the same position as  
20      Xavier came into as a manager that there was questions  
21      about management, about his qualifications in that job  
22      to be a manager. They didn't think he was qualified.

23          Q. Okay. And I'll come back to that in a minute.  
24      One more question about the EEOC charge. Tamika told  
25      you that she had filed an EEOC charge in either 2018 or

1 2019?

2 A. That's correct. I think it was 2018.

3 Q. Okay. She also told you that she filed an HR  
4 complaint in 2018 or 2019?

5 A. Yes.

6 Q. Okay. Did you ever see a copy of the EEOC  
7 charge or the HR complaint that she told you about?

8 A. I did not. That's -- that's confidential. I  
9 mean, she wouldn't -- she wouldn't -- yeah, I didn't  
10 even ask.

11 Q. Okay. Did she tell you what specifically she  
12 complained about in either the HR complaint or the EEOC  
13 charge that she filed?

14 A. It was related to being passed over for  
15 promotions and bonuses which -- which according to her  
16 sales goals and metrics she had obtained but then  
17 somehow the calculations they did or something didn't  
18 correspond to her performance so she said, you know,  
19 other -- other white male counterparts was getting  
20 different roles and advancements over her despite her  
21 performance and her being an experienced employee. You  
22 know, taught well at Exxon. Performed well. Yeah,  
23 those were her complaints. That's what it was due to.  
24 I mean, even up until the time before my termination she  
25 was complaining about not potentially achieving her

1 bonus and, you know, was still kind of disgruntled by  
2 that and she had many complaints about Xavier herself.

3 Q. Okay. Now, the HR complaint and the EEOC  
4 charge related to being passed over for promotions and  
5 bonuses, you said that -- that was filed before Xavier  
6 was her supervisor, correct?

7 A. Yes.

8 Q. Okay. Now, tell me, did she -- did she ever  
9 have any discussions with you about what she considered  
10 to be unfair treatment by Xavier?

11 A. She expressed to me that he was like  
12 inconsiderate and insensitive about the requirements of  
13 the travel expectations and the administrative requests  
14 that he imposed upon the business-development managers.

15 Q. Okay. Any other specific complaints that  
16 Ms. Greer raised with you about Xavier?

17 A. Other than that he was strict and stern and  
18 difficult to -- to work with and kind of like that last  
19 of trust kind of consistent with what Ms. Tracie Haygood  
20 said, you know, similar sentiments.

21 Q. Okay. I want to turn now to your claims.  
22 We'll come back to your witnesses and talk a little bit  
23 more about those later in the deposition but I'd like  
24 to -- if you could look again at the EEOC charge and  
25 I'll share my screen with you.

1                   So you filed the charge it looks like  
2   August 25th of 2020 and you checked off where it asked  
3   you to check off "Discrimination based on:" you checked  
4   off race and retaliation. Do you see that?

5           A. Yes.

6           Q. You did not check off discrimination based on  
7   sex. Do you see that?

8           A. Yes, I do see that.

9           Q. Okay. Did you ever file any other EEOC charges  
10   of discrimination or any charges with the Texas  
11   Workforce Commission where you claimed discrimination  
12   based on sex?

13          A. I do not recall.

14          Q. You don't recall?

15          A. No, I do not believe I've done it. This is the  
16   only time I've filed an EEOC.

17          Q. So this is the only charge that you've filed  
18   with the EEOC?

19          A. Yes.

20          Q. Okay. I'm just going to go to Interrogatory  
21   No. 16. We had asked you -- so your EEOC checked off  
22   race and retaliation as the basis of the unlawful  
23   actions you are alleging against Shell. So in  
24   Interrogatory No. 16 we asked you to identify any and  
25   all persons that you claim engaged in discrimination or

1 retaliation against you and we talked about your  
2 response to Interrogatory No. 16 a little bit earlier in  
3 your deposition but you listed in response the following  
4 individuals: Jesus Guerrero Herrera, Kristia  
5 Encarnacion, Jarrett Enochs, Clement Delahunt and Holly  
6 Burns. Do you see that?

7 A. Yes. I notice Xavier is missing.

8 Q. Okay. So you would add Xavier to that list?

9 A. Most certainly would. Right at the top.

10 Q. Okay.

11 A. And as I mentioned before, I would remove  
12 Jarrett Enochs.

13 Q. And what about Kristia Encarnacion?

14 A. I had mentioned -- I was kind of questioning  
15 him about it like she's HR but I read in that 1,400-page  
16 document that she kind of withheld, you know, some  
17 information from me that she could have produced like  
18 the handbook and so forth but I don't -- I'm kind of  
19 torn between whether or not she should be there or not  
20 but...

21 Q. Okay. Is the only basis for including her in  
22 this list the fact that she did not provide you with  
23 copies of the employee handbook when you asked for them?

24 A. Yeah, there's like a employee handbook and  
25 another question I asked and her supervisor, whoever she



1 spoke to, they told her to withhold that information, to  
2 wait for me to ask for it again and then if I asked for  
3 it and if I called, then she'll provide it. I just -- I  
4 don't know.

5 Q. Okay. Can you remember any other documentation  
6 that you asked Ms. Encarnacion for other than the  
7 employee handbook?

8 A. Yeah, there was -- there were several things.  
9 Another one was like when they terminated me, they told  
10 me that I would get paid for all of my unpaid vacation  
11 days and they didn't do that. And I asked for a record  
12 of that and, you know, why and Xavier told me himself  
13 that he would do that; that I would get that, but then  
14 they said, well, because you were terminated -- because  
15 I get -- all my vacation days are prorated. I get -- I  
16 had like four weeks, 20 days of vacation, and so I think  
17 I had used like three or something and I had like 17  
18 vacation days and I had asked her about the policy or  
19 whatever on that and there was nothing produced on it  
20 and she said, well, despite Xavier said I would get paid  
21 on it she said that, "Well, I guess there's something  
22 about since you were terminated, you -- then your  
23 vacation defaults to how many hours that was accrued."

24 Q. So you had asked for a policy related to  
25 payment of vacation after termination of employment and

1 she did not provide you with the policy? Is that what  
2 you're stating? I understand that the -- you're also  
3 telling me about not getting paid for the vacation time  
4 you thought that you were going to get paid for but  
5 remember, Mr. Williams, my question was what documents  
6 or information did Ms. -- did you ask for that  
7 Ms. Encarnacion withheld from you. Remember? So I'm  
8 just trying to find out what documents she did not  
9 provide or didn't -- withheld when you asked for them?

10 A. It was mainly the employee handbook.

11 Q. Okay.

12 A. Yeah, yeah. That's the main one.

13 Q. So that's -- that's the one -- that's the only  
14 document you can recall asking Ms. Encarnacion for?

15 A. Yes.

16 Q. And this was in connection with I believe you  
17 were communicating with her after you were terminated;  
18 is that correct?

19 A. That's correct.

20 Q. Okay. And she never provided you with a copy  
21 of the handbook?

22 A. Yes, yes. She was told I guess by her manager  
23 or something they said it's available online on the  
24 intranet but when you're terminated you no longer have  
25 access to the company internal system.

1 Q. Okay. And is Ms. Encarnacion withholding of  
2 the employee handbook when you asked for it, is that the  
3 only reason that you have her included in this list of  
4 individuals in response to Interrogatory No. 16?

5 A. That is the only reason.

6 Q. Okay. So let's -- let's talk about the list.  
7 I think I'm going to go from the bottom up. So let's  
8 talk about Holly Burns. What did Holly Burns do to you  
9 that you believe was discriminatory or retaliatory  
10 treatment?

11 A. Did you see the statement? I guess that was --  
12 maybe that was the top of the EEOC complaint. I saw the  
13 description.

14 Q. Okay. I do recall that the -- the EEOC  
15 complaint and your lawsuit refers to an incident with  
16 Ms. Burns that occurred soon after you began your  
17 employment with Shell. Is that what you're referring  
18 to?

19 A. Yes. Yes, ma'am.

20 Q. Okay. Are there any other reasons other than  
21 that incident that you included Ms. Burns in this list  
22 of individuals in response to Interrogatory No. 16?

23 A. No, that -- that was the only reason.

24 Q. Okay. So that -- that incident is the only  
25 reason that you've identified her as someone who

1 discriminated against you or retaliated against you?

2 A. That's correct. Do I need to re -- to recount  
3 what took place?

4 Q. We'll talk. I'm going to ask you about that  
5 for sure, yeah.

6 A. I wasn't sure because you brought up her name  
7 so...

8 Q. Yep, I'm going to ask you about that. I'm  
9 going to just continue to go through these names and  
10 then we'll talk a little bit more about the incident in  
11 just a bit. Okay?

12 A. Understood.

13 Q. All right. So Clement Delahunt, why did you  
14 include Mr. Delahunt in this list of individuals who you  
15 believe discriminated or retaliated against you?

16 A. That's also listed as well in the lawsuit and  
17 the EEOC.

18 Q. Okay. I do recall that there -- you describe  
19 an incident with Mr. Delahunt in either the lawsuit, the  
20 EEOC charge or both. I think he -- that is the  
21 individual that you claim grabbed your backside; is that  
22 correct?

23 A. That's correct.

24 Q. Okay. Is the basis for including Mr. Delahunt  
25 in this list of individuals who discriminated against

1 you or retaliated against you the incident that's  
2 discussed in your Complaint and the EEOC charge?

3 A. Yes. It's his action and more so even  
4 management's reaction to that.

5 Q. Okay. Well, we'll get to that in a second.  
6 Are there any other reasons that you can include  
7 Mr. Delahunt in this list of individuals who you allege  
8 discriminated or retaliated against you outside of his  
9 involvement in the incident where he grabbed your  
10 backside?

11 A. I cannot.

12 Q. So no other reason, correct?

13 A. That's correct.

14 Q. Now, you said management's reaction to the  
15 incident with Mr. Delahunt. Who are you referring to  
16 within management that you claim reacted in a way to the  
17 incident with Mr. Delahunt that was either  
18 discriminatory or retaliatory?

19 A. So I had two employees who witnessed the  
20 incident and they were Steven Stack and Damon  
21 Higginbotham. And they saw when Mr. Delahunt, you know,  
22 grabbed my behind and they saw me turn around  
23 infuriated, you know, confronting Mr. Delahunt about it  
24 and -- yeah. He -- he grabbed me and said I had a nice  
25 ass. And I, you know, pretty much told him not to put

1 his hands on me and this and that and so my co-workers  
2 just kind of moved me to the side. They told my hiring  
3 manager, Eric Boydstun, about what happened because he  
4 was right there. He was advised what happened and he  
5 simply told Mr. Delahunt, you know, what -- to go to his  
6 room; that he's done for the night. There was no other  
7 action or engagement of disciplinary actions taken. I  
8 felt, you know, kind of vulnerable, you know, about the  
9 whole situation and I really felt kind of threatened to  
10 file an HR complaint. You know, I'd only been with the  
11 company, what, ten months, nine months and then, you  
12 know, I had that first incident with Holly and that  
13 wasn't a good look so early with the company and then  
14 having this incident and, you know, I'm more focused on  
15 trying to perform because this happened like in October  
16 and I really just started working, I mean, with my  
17 customers like in June so it was just -- you know, just  
18 trying to establish a good reputation at Shell but --  
19 yeah, that just really made me feel uncomfortable.

20 Q. Okay. And -- so let's -- let's talk about that  
21 for a minute. You said that you told Mr. Boydstun about  
22 the incident; is that correct?

23 A. I did but my peers -- Steven Stack, you know,  
24 did as well. Steven Stack, Damon Higginbotham. They  
25 say, "Hey, man, you know, the guy..." -- Clyde --

1 Clement said, "You know, you touched Carl on his rear  
2 end. You know, Carl was upset. You know, it was  
3 unnecessary. You know, Carl did not, you know,  
4 strike -- you know, engage in any physical activity with  
5 Mr. Delahunt." And so the action taken by management  
6 was simply to tell him to go to his hotel room.

7 Q. Okay. Was that -- I think -- was that -- I  
8 think there was a celebration mentioned in connection  
9 with that incident. Was that -- I mean, were employees  
10 drinking and having a good time at that incident or at  
11 that -- when that incident occurred?

12 MR. HODGES: Objection: form.

13 Q. (BY MS. JAMES) You can still answer the  
14 question.

15 A. I guess -- I don't understand the basis.  
16 What's the reference of the question?

17 Q. So in your description of the incident with  
18 Mr. Delahunt in your EEOC charge you describe the event  
19 at which the incident occurred as a company celebration  
20 event in Miami. And this is from your EEOC charge. And  
21 so my question, Mr. Williams, were employees drinking at  
22 that event?

23 A. Yes, there was alcohol served at that event.

24 Q. Okay. Do you think Mr. Delahunt was at all  
25 impaired by alcohol when that incident occurred?

1 MR. HODGES: Objection: speculation.

2 You can answer to the best of your ability,  
3 Mr. Williams.

4 THE WITNESS: I'm sorry, what did you say?

5 MR. HODGES: You can answer to the best of  
6 your ability.

7 THE WITNESS: Okay. And -- and, Attorney  
8 James, you said do I think alcohol is a factor?

9 Q. (BY MS. JAMES) Yeah. Was Mr. -- did  
10 Mr. Delahunt appear to you to be at all impaired or  
11 impacted by alcohol?

12 A. I mean, I don't know his tolerance level or  
13 anything. I didn't see him grope anybody else -- you  
14 know, no other men or women -- so I cannot account for  
15 his level of sobriety but I can only tell you what  
16 happened -- what I experienced. There were no other  
17 complaints about his behavior that night.

18 Q. Okay. And you mentioned in describing the  
19 incident that occurred you said that he grabbed your  
20 butt and told you you had a nice ass. Did he do  
21 anything else that offended you or that you considered  
22 offensive besides grabbing your butt?

23 A. That was about it and that was enough on his  
24 own.

25 Q. Okay. So no other physical action by Mr.



1 Delahunt that you were offended or insulted by?

2 A. Well, just -- just -- just his action and the  
3 way he said it and looked at me.

4 Q. Right. Yeah. So I was just curious about any  
5 other physical action but I was going to ask you about  
6 the comment in a minute. But as far as any other  
7 physical action besides grabbing your butt, were there  
8 any other physical actions by Mr. Higginbotham that you  
9 were offended or insulted by?

10 A. That was Mr. Delahunt and, no, there was no  
11 other action by Mr. Delahunt.

12 Q. Okay. And then as far as the comment that he  
13 made, were there any other comments that he made during  
14 that incident that you were offended or insulted by?

15 A. It was just when I turned around and saw what  
16 happened and who did it and he saw me looking infuriated  
17 at him trying to figure out what was going on, what  
18 happened, he simply looks at me and says, "What? You  
19 have a nice ass."

20 And I'm like, well, as though that's  
21 justifiable to behave that way in a corporate  
22 environment, you know, to violate another man because I  
23 know if that happened to a female employee, he would be  
24 terminated and the female employee would not have to  
25 file an HR complaint. I'm sure the manager would take

1 care of that.

2 Q. Okay. Did Mr. Delahunt make any other comments  
3 besides what --

4 A. No.

5 Q. -- you have a nice ass during the incident in  
6 question?

7 A. No. He was just disgruntled that he was asked  
8 to leave as though he didn't understand what he did.

9 Q. How do you know he was disgruntled?

10 A. Because Eric Boydstun escorted him away and,  
11 you know, he kind of did it reluctantly with a  
12 disgruntled look on his face.

13 Q. And you're referring to Mr. Delahunt or  
14 Mr. Boydstun?

15 A. No, no, no, Mr. Delahunt --

16 Q. Okay.

17 A. -- my previous supervisor, was made aware by  
18 Mr. Stack and Mr. Higginbotham what he did and  
19 Mr. Boydstun escorted him away from the area.

20 Q. Okay. But it was Mr. Delahunt that had the  
21 disgruntled look on his face?

22 A. Yes.

23 Q. And what do you mean by that? He -- he looked  
24 angry? Upset?

25 A. Yeah, he was upset as though he didn't do -- as

1     though he didn't do anything wrong.

2           Q.   So Mr. Boydstun told him to leave and go to his  
3     room?

4           A.   Yes.

5           Q.   Okay. And this was at a hotel, I'm assuming?

6           A.   Yes, it was, in Miami.

7           Q.   Okay. Did you raise this incident with any  
8     other member of management besides Mr. Boydstun?

9           A.   I did not.

10          Q.   Did you have any further conflicts with  
11     Mr. Delahunt?

12          A.   I did not. It was just a little awkward seeing  
13     him in passing. There was no apology or anything  
14     either.

15          Q.   Okay. Did you have any discussions with  
16     Mr. Boydstun about what discipline you believed  
17     Mr. Delahunt should receive?

18          A.   I recall talking to Mr. Boydstun about the  
19     incident, you know. He asked me if I was, you know,  
20     okay at the time, you know, afterwards.

21          Q.   What did you tell him?

22          A.   I told him that I was upset about the entire,  
23     you know, incident. You know, that I just felt  
24     vulnerable and threatened and I really felt helpless  
25     kind of being a new employee with the fear of

1 retaliation what would happen if I filed an HR  
2 complaint.

3 Q. Did you tell Mr. Boydstun that?

4 A. I did not verbalize that opinion, those  
5 thoughts, to Mr. Boydstun.

6 Q. Okay. So you didn't tell Mr. Boydstun that you  
7 were afraid of retaliation if you filed an HR complaint,  
8 correct?

9 A. That's correct.

10 Q. But you told him that you were upset and you  
11 felt vulnerable and threatened?

12 A. That's correct.

13 Q. Did you tell Mr. Boydstun any -- anything else  
14 when he asked you whether you were okay?

15 A. Not that I can recall. I just, you know,  
16 recall, telling him I was upset. You know, I just felt  
17 violated and that's, you know, basically what I told  
18 him. And it was a humiliating feeling.

19 Q. What did Mr. Boydstun tell you in response?

20 A. He just wanted to make sure that I was okay  
21 like -- like emotionally and just almost -- almost like,  
22 you know, just -- you know, just -- you know, just kind  
23 of shake it off. He sent, you know, Mr. Delahunt to his  
24 room and, you know, kind of just like, you know, almost  
25 like go back to -- to enjoy your evening. You know,

1 kind of like don't let this chill your spirit.

2 Q. Did you stay at the event after that?

3 A. I recall the event concluding shortly  
4 thereafter. It wasn't -- that was at the tail end of  
5 the event. I mean, I didn't leave immediately. You  
6 know, I recall talking to Steven Stack and Damon  
7 Higginbotham about what happened and, you know, how I  
8 felt about it and, you know, eventually that was -- that  
9 was it. I was just in total disbelief. Just totally  
10 appalled.

11 Q. Did you raise the incident with -- ever again  
12 with Mr. Boydstun after that night?

13 A. I do not recall contacting Mr. Boydstun. You  
14 know, at that time he was no longer my manager, it was  
15 Xavier, you know, like I said, my focus was to try to  
16 have a good impression with Shell with my first year of  
17 employment.

18 Q. Okay. And I think -- I asked you earlier about  
19 why you believe the incident was motivated by  
20 retaliation and -- or discrimination or retaliation and  
21 you mentioned management's reaction was what was  
22 motivated by discrimination or retaliation. Is that  
23 correct?

24 A. Which event are you referring to?

25 Q. The event with Mr. Delahunt. The incident with

1 Mr. Delahunt in which he grabbed your butt.

2 A. Yes. I -- it's twofold in which I think there  
3 were demonstrations of, you know, discrimination --  
4 discriminatorial kind of racial treatment, you know.  
5 First of all, you have an older white male that thinks  
6 it's okay to grab a new, younger employee -- male's --  
7 derriere, you know, and then you have another, you know,  
8 white male similar age manager that takes, you know,  
9 very casual, no harsh action report despite -- despite  
10 seeing the discontentment of what happened with the  
11 employee who should know the rules when it comes to like  
12 sexual harassment in the workplace. So I would expect a  
13 manager to, you know, address those things, bring those  
14 things, offer some type of suggestions and some support  
15 but that -- that did not take place. So that's kind of  
16 where that preferential, discriminatory behavior comes  
17 from -- from the corporate --

18 Q. Did you -- go ahead.

19 A. I was just going to say so the action from  
20 Mr. Delahunt himself and the actions from management.

21 Q. Okay.

22 A. The response, rather. Because if that was a  
23 white employee, any female regardless of the race, the  
24 response would have been much harsher.

25 Q. How do you know that?

1           A. It's consistent with the culture of  
2 experiences, you know, that I had, you know, that Tracie  
3 Haygood had, that Tamika Greer had, other, you know,  
4 just, you know, kind of black employees, you know, it's  
5 just -- and their personal experiences. It's almost  
6 like -- it's almost like a code, you know, in Corporate  
7 America. You know, you're kind of lucky to be there  
8 being black and, you know, some things you have to put  
9 up and be happy you got a job.

10           Q. Do you know if -- do you know if any older  
11 white male employee ever grabbed Tamika Greer on the  
12 butt?

13           A. Absolutely not. I do not know that.

14           Q. Do you know of any situation where any other  
15 Shell employee was grabbed on the butt by either  
16 Mr. Delahunt or any other older white male employee?

17           A. I -- I have no knowledge on that.

18           Q. Do you have knowledge of any situation where  
19 Mr. Delahunt or any other older white male grabbed  
20 another African-American employee on any other part of  
21 their body?

22           A. I do not. I have no knowledge or recollection  
23 of any other Shell employee regardless of their  
24 background experiencing what I experienced.

25           Q. Okay.

1           A. Excuse me one second. I have to let in pest  
2 control.

3           Q. Okay.

4                   VIDEO OPERATOR: Recording stopped.

5                   (Recess taken from 3:36 p.m. to 3:47 p.m.)

6                   VIDEO OPERATOR: We're back on the video  
7 record. It is 3:47 p.m.

8           Q. (BY MS. JAMES) Okay. Mr. Williams, before the  
9 break we talked about the incident with Mr. Delahunt and  
10 we were going through the list of employees that you had  
11 listed in response to Interrogatory No. 16. So I'm  
12 going to go back to that and ask you about two  
13 additional individuals on the list. So you talked about  
14 Holly Burns, Kristia Encarnacion, Clement Delahunt and  
15 the next one is Jesus Herrera. Am I pronouncing that  
16 right?

17          A. Yes.

18          Q. Okay.

19          A. I just put him down because he was complicit.  
20 You know, Xavier reports to him so he had to endorse and  
21 push for this wrongful racial termination.

22          Q. Okay. So Mr. Herrera is Xavier's manager?

23          A. Yes.

24          Q. And the reason you included him in this list is  
25 because you believe he would have approved or



1 participated in the decision to terminate your  
2 employment?

3 A. Yes.

4 Q. Is there any other conduct or action on behalf  
5 or on the part of Mr. Herrera that you relied on to  
6 include him in this list of individuals who you believe  
7 discriminated or retaliated against you?

8 A. If I heard you correctly, you said were there  
9 any other actions or behaviors of Mr. (Simultaneous  
10 speaking) --

11 Q. Yes.

12 A. Not that I can think of other than he gave me a  
13 strange look one day.

14 Q. And do you know for a fact that he participated  
15 in the decision to terminate your employment or -- or  
16 are you assuming that he did because he's Xavier's  
17 manager?

18 A. Yes, he had to sign off on it and from that  
19 1,400 page document they sent over, he was involved  
20 because Xavier --

21 Q. Let me ask this. Before getting our document  
22 production did you have any discussions with anyone with  
23 Shell or learn of any other information that led you to  
24 believe that Mr. Herrera participated in the decision to  
25 terminate your employment?

1 A. There was no other discussions that were -- no.

2 Q. Okay.

3 A. But I knew for such a drastic action to take  
4 place he had to approve it. That's -- you know, a  
5 first-level line manager like Xavier doesn't have the  
6 authority to do that.

7 Q. Okay. Are you saying that just based on your  
8 experience in Corporate America?

9 A. And what I know. I understand.

10 Q. Yeah. Not that you have some specific  
11 knowledge it was Shell policy that said Mr. Herrera  
12 would have to approve it, it's just that you're saying  
13 that your experience working for a corporation usually  
14 when you had a termination someone's line manager would  
15 have to approve their decision to terminate?

16 A. It goes all the way up the management chain.

17 Q. Okay. Do you know -- do you know whether any  
18 other members of management participated in the decision  
19 to terminate your employment?

20 A. Not that I'm aware of.

21 Q. Are you aware of specifically of any other  
22 members of management who approved the termination of  
23 your employment other than Mr. Herrera?

24 A. From looking at that 1,400-page document there  
25 was someone in HR that approved it. There was a lot of

1 back and forth between Kristia and indecisiveness with  
2 Xavier saying, "Well, maybe I should issue a written  
3 warning, a verbal warning."

4 Then HR said, "Well, we recommend you put  
5 him on a performance improvement program."

6 So there's a lot of dialogs in e-mails  
7 exchanged. And then Xavier all of a sudden says, "Well,  
8 I just want him terminated immediately."

9 Q. Okay. And did you have any conversations with  
10 anyone at Shell about that or are you just talking about  
11 information that you saw in our document production?

12 A. That's what I saw in the document production.

13 Q. Okay. And you said someone -- other than  
14 Mr. Herrera, there was someone else in the HR group who  
15 approved your termination?

16 A. Yes.

17 Q. Do you recall that person's name?

18 A. I wonder if I have his name. Not off the top  
19 of my head. I would have to look for it.

20 Q. Okay. Anyone else that you believe was either  
21 involved in the decision to terminate your employment or  
22 approved your termination?

23 A. From a management perspective?

24 Q. Or HR. And -- and I want to know about your  
25 independent knowledge just to be clear, Mr. Williams,

1 not necessarily your knowledge based on what's in our  
2 documents. I want to know about your individual  
3 personal knowledge because I know what's in our  
4 documents. This is my opportunity to ask you questions  
5 before trial so it's for me to learn anything that you  
6 might -- information that you might have that I don't  
7 have.

8 A. Understood. There's no personal knowledge that  
9 I have.

10 Q. Right. Okay. And you mentioned earlier when I  
11 was asking you about actions or conduct by Mr. Herrera  
12 other than his involvement in the decision to terminate  
13 your employment, you mentioned something about him  
14 giving you a look is the only other conduct or action by  
15 Mr. Herrera. Will you explain that for me what you mean  
16 he gave you a look?

17 A. Being home-based employees we have printers  
18 provided by the company.

19 Q. Uh-huh.

20 A. And mine wasn't working and I have this little  
21 wagon that I sometimes bring groceries into my apartment  
22 and stuff in. It's a little pull behind. And I had my  
23 printer in my wagon taking it on campus to the IT  
24 department. And in passing I saw Mr. Herrera and he  
25 goes -- he was like, "We give you guys printers?"

1 I'm like, "Yes. You know, we work from  
2 home. Like is that okay?"

3 And he just shakes his head like, I don't  
4 know, it was kind of weird.

5 Q. Okay. And did he say anything else or do  
6 anything else that you thought was weird?

7 A. No, no, there's nothing else. I just -- I  
8 don't know, I was just like, wow, really?

9 Q. I mean, he didn't accuse you of like -- I mean  
10 he wasn't accusing you of theft or anything like that?

11 A. Of course not.

12 Q. Okay. Okay.

13 A. Like they spoil us or give us too much I don't  
14 know how you can work from home without a printer.

15 Q. Oh, okay. So you -- you don't really know what  
16 his intent was in saying this but you suspect or believe  
17 that he may have been insinuating that, you know, Shell  
18 spoils its employees by giving them printers?

19 A. We need it for work.

20 Q. Right.

21 A. Yes.

22 Q. But did you think that was his -- was it your  
23 appreciation that that was his reaction and why he said  
24 what he said about the printer and your wagon?

25 A. Yeah, that was my interpretation.

1 Q. Okay.

2 A. I just thought his facial expression was kind  
3 of strange and I was surprised to hear that comment.  
4 But there's nothing, you know, that I've experienced  
5 from him that is, you know, racial discrimination. You  
6 know, no actions other than endorsing my wrongful racial  
7 termination. I mean, I've actually had lunch with him  
8 and different interactions and, you know, I've always  
9 felt, I don't know, positive like from him personally  
10 but...

11 Q. Okay. All right. So let's talk about Xavier  
12 who I think is the last person you identified as being  
13 someone who engaged in discrimination or retaliation  
14 against you. So tell me what action Xavier took against  
15 you that you believe to be discriminatory or retaliatory  
16 in nature.

17 A. Do you want me to go directly to it or give you  
18 the background?

19 Q. So let's -- tell me the action -- you know, the  
20 specific conduct or the action and then we can talk  
21 about the background and the reasons why you believe it  
22 was either discriminatory or retaliatory.

23 A. I mean, he terminated me.

24 Q. Okay.

25 A. He -- what was it, in February, the end of

1 February 2020, he said, "Hey, Carl, we're going to meet  
2 on March 16th, Monday, and have a meeting to discuss  
3 your strategy and the pipeline and how you're going to  
4 grow." And then like COVID happened and started to come  
5 and we started working remote and so it ended up being a  
6 Zoom call. I get on the Zoom and I see him and HR and I  
7 was like -- what is -- you know, my heart started  
8 palpitating. I was, oh, this is not good. What's going  
9 on?

10 And he's like, "Carl, effective today  
11 you're immediately terminated due to your performance."

12 And I was like, "Excuse me? What do you  
13 mean my performance? You guys just paid me a  
14 performance bonus last month. How is this a  
15 performance-related issue? My performance review was  
16 back in October and it was somewhat positive for the  
17 most part considering my short tenure with the company."

18 And so in February I was working with my  
19 distributor O'Rourke and the sales manager, Scott Field  
20 and I, a new employee named Adrianna Pierce, we had a  
21 customer visit in Port Arthur, Texas at a customer named  
22 German Pellet, we were doing like a site assessment.  
23 Everything went well during the visit. You know, the  
24 customer was very like colloquial and social. In our  
25 discussion it was very kind of light hearted. We had

1 lunch and I had asked Mr. Scott Fields with O'Rourke  
2 Petroleum, the sales manager, questions about, you know,  
3 strategy, employee sales force as far as resources,  
4 extra -- extra support from some of Shell's aligned  
5 technical services and Shell had recently -- I had  
6 mentioned RelaDyne earlier, one of my distributors that  
7 I started working with in January. And Shell had  
8 recently -- RelaDyne has a separate division called  
9 Reliability Services and Shell endorsed them to be a  
10 nationwide service provider for technical service at  
11 plants. And that was a service that O'Rourke did not  
12 offer. And I asked Mr. Fields if he had considered  
13 utilizing RelaDyne Reliability Services for their  
14 technical support. And he got infuriated with me and at  
15 lunch with his new employee he even stepped outside and  
16 had a smoke and I was like, "Wow, like I didn't realize  
17 that there was friction between him and RelaDyne, the  
18 other oil distributor company." But I knew that  
19 RelaDyne Reliability Services was a separate company on  
20 its own. And so, you know, he didn't like the questions  
21 that I asked during lunch. He alleged that I was  
22 unprofessional during the visit which was untrue and he  
23 told -- he sent an e-mail to his boss Ryan who sent an  
24 e-mail to John McDonnell who is over the distributors  
25 and they said that they don't -- they did not want to



1 work with Carl anymore. He said I was no longer of  
2 value to them. The same guy who for the past six, seven  
3 months who thanked me for helping his employee up in  
4 Dallas, Robert Hernandez, helping him grow business for  
5 an account in Dallas. He thanked me for helping Ashley  
6 Phelps in Beaumont area, Houston area, rather. And he  
7 also thanked me previously for working with Bradley  
8 Adams who is no longer with O'Rourke and he told me that  
9 we had a good relationship, Mr. Fields and I. I -- I  
10 spent the most time with them out -- out of, you know,  
11 even the other two distributors I had, MidTex and  
12 Breaux. And I really felt we had a good synergy which  
13 is why I was comfortable asking him questions about the  
14 business. And he didn't like the questions I asked and  
15 he basically threw me under the bus. And because Shell  
16 was in contract negotiations with O'Rourke to renew the  
17 distribution agreement to buy more product, for more  
18 sales, and because O'Rourke said they -- because this  
19 incident happened and they missed that negotiation,  
20 Xavier decided to terminate me opposed to looking at  
21 this incident as something that was unfair to me for  
22 doing my job. And that type of response, you know, I --  
23 from talking to my white counterparts like Lucas Kerley,  
24 he said he's only seen that -- he said that only  
25 happened because I was black and he said that I should

1 file a lawsuit. Lucas Kerley told me he's seen an  
2 incident with another white male who did similar work in  
3 California who had an issue with the distributor like  
4 O'Rourke and he said that they simply assigned him  
5 another distributor; that there was no retaliatory  
6 action like what I experienced.

7 Mr. Lucas also said although he was helping  
8 me with Breaux Petroleum in Louisiana when I was working  
9 with them, Breaux Petroleum had a senior experienced  
10 employee who had a lot of knowledge of the market and  
11 the accounts but he would not invite us to do field  
12 rides with him to help pursue the business. He would  
13 call Lucas Kerley directly.

14 Q. The Breaux Petroleum, you cut out Mr. Williams.  
15 I just want to make sure I heard what you said. You  
16 said there was a senior employee at Breaux Petroleum who  
17 would not call you to do field rides and would call  
18 Lucas directly?

19 A. Yes, yes, as the business-development manager  
20 distributors are supposed to work with me directly and  
21 then if more technical support is needed, then I can  
22 bring in Lucas or even some other guys that have  
23 specialties in different industrial applications. So  
24 opposed to working with me, they -- they would skip over  
25 me and Lucas would ask them, "Breaux, like, Petroleum,

1     why aren't you guys inviting Carl to these meetings?  
2     Why aren't you guys inviting Carl to join in these  
3     visits?"

4                     And they would say stuff like, "Well, you  
5     know, Carl doesn't know enough," or something. "You  
6     know, he's a new employee."

7                     And Lucas was like, "Well, Carl is a sharp  
8     guy. You know, I've known Carl since Exxon. We both  
9     worked at Exxon. You know, Carl is working with these  
10    others. You guys should give Carl a chance."

11                    And they would -- they would never come  
12    around. Especially the senior sales director. I can't  
13    remember his name anymore.

14            Q. I was going to ask you that. You can't  
15    remember his name?

16            A. At the moment. But when January came and I was  
17    no longer assigned to Breaux, Lucas told Breaux's  
18    management that they no longer had to worry about  
19    working with Carl and that their new support person is  
20    white.

21                    And the managers at Breaux Petroleum there,  
22    "What do you mean? You're saying we're racist?"

23                    And Lucas said, "Well, you know, I don't --  
24    I guess you must be. You didn't want to work with Carl.  
25    He was black. He was experienced."

1                   And so -- and so Breaux Petroleum  
2   complained to senior management, to Lucas' boss about  
3   his comments accusing them of being a racist for not  
4   wanting to work with me and Lucas was just simply told,  
5   you know, "You cannot say stuff like that to  
6   distributors." There was no, you know, reprimanding or  
7   any other thing like no extra coaching or, you know. It  
8   was just like kind of like a warning.

9           Q.    Okay.

10          A.   And we continued to work for them and as you  
11   may recall I was reassigned. I was no longer working  
12   with them, for Breaux.

13          Q.    Okay. Now -- yeah, you were there longer --  
14   Breux -- you were no longer working with Breux once  
15   the realignment happened, right?

16          A.   That's true, but --

17          Q.    I'm conflating -- I just want to make sure I'm  
18   not conflating the two different distributors because --  
19   so Breux Petroleum and O'Rourke are both distributors  
20   who at one time or another were distributors that you  
21   serviced, correct?

22          A.   That's correct.

23          Q.    Okay. O'Rourke is the distributor that you  
24   told me about just before we were discussing Breux.  
25   They're the distributor that -- I'm sorry, well, you

1 said Mr. Fields -- where Mr. Fields got infuriated by a  
2 comment you made and told -- well, told his boss who  
3 then told someone at Shell that they no longer wanted  
4 you working on the account, correct?

5 A. Correct, working with Breaux.

6 Q. Okay. There -- the Breaux Petroleum -- no one  
7 at Breaux Petroleum actually directed Shell to remove  
8 you off of their account, correct?

9 A. That's correct.

10 Q. Okay. In the O'Rourke incident -- and we can  
11 talk more specifically about dates later -- but the  
12 O'Rourke incident is the incident that was close -- that  
13 incident was closer in time to when you were terminated,  
14 right?

15 A. That's correct.

16 Q. Okay. Whereas I think you mentioned Breaux  
17 Petroleum was in Louisiana and that's one of the  
18 distributor accounts that you stopped working with in  
19 January of 2020 when they does the realignment and put  
20 you over Texas and Oklahoma?

21 A. That's correct.

22 Q. Okay. So you were saying Breaux complained  
23 about Mr. Kerley accusing them of being racist and he  
24 was not reprimanded and he continued to work on the  
25 Breaux account; is that correct?

1 A. That's correct.

2 Q. Who was the -- I think we talked about this  
3 earlier and you couldn't remember the name of the  
4 individual but the business-development manager who took  
5 over the Breaux account after the realignment was a  
6 newly-hired individual; is that correct?

7 A. Yeah, I think his last name might have been  
8 Johnson. I can see if I can find a business card or  
9 something. I think it might have been Johnson.

10 Q. Okay. Did Mr. Kerley ever tell you of any  
11 basis for the accusations he made against Breaux?

12 A. You said the basis?

13 Q. Yes. Because I think -- I believe you're  
14 telling me that Lucas or Mr. Kerley accused Breaux of --  
15 or I guess the employees at Breaux of being racist and  
16 not wanting to work with you. Did -- did Mr. Kerley  
17 ever tell you any reason or circumstances that led him  
18 to believe any of the individuals at Breaux Petroleum  
19 had a discriminatory animus or, you know, were racially  
20 motivated?

21 A. And what was the question? Did he tell me?

22 Q. Mr. Kerley.

23 A. Right, did he -- did he --

24 Q. Did he tell you of any reasons why he  
25 believed --

1           A.    Okay, I'm with you now.

2           Q.    -- that Breaux didn't want to work with you  
3   because you were black?

4           A.    Yeah.  He said the reasons for that because he  
5   persisted in asking them to invite me along with the  
6   calls and, firstly, to not contact me directly and to  
7   work with me and they continued to do that and he came  
8   to the conclusion knowing my work experience, my  
9   performance and capabilities at Exxon, even when I was  
10   going with Shell with my other distributors that it must  
11   be due to me being black.  That's what he gathered.  
12   That's what he felt.  And that's what he told them.

13          Q.    Did he specifically identify any individuals at  
14   Breux Petroleum that he believed were racist?

15          A.    I don't know particularly his comments were  
16   directed directly toward the senior sales rep and his  
17   name slips my mind at the moment.

18          Q.    Now, no one at Breaux ever asked Xavier or any  
19   other management at Shell to take you off of their  
20   account, did they?

21          A.    No.  I've never had any issues with my  
22   distributors until the O'Rourke incident happened.  So I  
23   realize, you know, we were discussing, you know, why I  
24   believe Xavier Puvilland engaged in discriminatory and  
25   retaliatory behavior.

1 Q. Yeah.

2 A. And you know just to kind of recap, it was due  
3 to his response situation with O'Rourke and -- and also  
4 seeing -- I'm sure you know because upper management got  
5 involved with Breaux and what happened there he knew  
6 there was some racial element he knows -- I'm assuming  
7 that he was aware of Lucas Kerley's activities and the  
8 comments that were made because managers talk. But that  
9 is an assumption. But even more so that -- to me that's  
10 even more like damaging to tell me that I was terminated  
11 for my performance? When my numbers allowed me to  
12 generate a bonus considering that I had only really  
13 started working in the field for like eight months  
14 because I started meeting my customers in June. And  
15 when -- when he did my performance review, it was -- it  
16 had a positive tone to it and he did not tell me that he  
17 rated me unacceptable; that my performance was  
18 unacceptable. He did not say that. He just said,  
19 "Carl, you know, you've got some things to work on. You  
20 know, 2020 is going to be a year for -- you know, to  
21 really make great strides." So I was just totally  
22 flabbergasted which is why I had heart palpitations,  
23 almost went into a damn panic attack when I get on a  
24 call thinking that we are about to go over a growth  
25 strategy and it was a termination call. It just almost



1     whiplashed me to go from getting a \$23,000 bonus in  
2     February to a month later being terminated? I mean,  
3     that just doesn't happen.

4             Q. Okay. Okay. I appreciate the recap because I  
5     was going to ask you to recap. You're getting used to  
6     me.

7                     So all right. So for Xavier, you know, the  
8     grounds for your belief are -- just to make sure I  
9     understand because I wrote it all down -- the -- the  
10    situation with Breaux Petroleum that you believe he was  
11    aware about -- and I want to talk a little bit more  
12    about that in a minute -- the situation with O'Rourke  
13    that we discussed in detail earlier. The fact that your  
14    performance generated a bonus in February which was I  
15    guess a month or so before you were terminated and that  
16    you had a performance review I guess where you said  
17    there was a positive tone to the performance review?

18            A. Uh-huh.

19            Q. Okay. And you mentioned also that the call was  
20    initially -- or that Xavier represented to you that the  
21    call that turned into the termination meeting was  
22    originally set up -- or Xavier told you he was setting  
23    it up to discuss growth strategy for the rest of the  
24    calendar year?

25            A. Yeah, for my market, my plan to grow the

1 business.

2 Q. Yeah, okay. Are there any other reasons you  
3 believe the decision to terminate -- or Xavier's  
4 decision to terminate your employment was, you know,  
5 racially motivated?

6 A. Due to Tracie Haygood's comments about him, due  
7 to Tamika Greer's comments about him who Tamika reported  
8 to him and she did not have positive comments to say,  
9 you know, about -- about him and her interactions with  
10 him. And Tracie Haygood I think another  
11 African-American woman did not as well. And it's  
12 just when I look at the string of events that occurred  
13 to me in my short 14-month tenure at Shell, it just --  
14 despite me really starting to -- January and so forth  
15 formulate good relationships and demonstrate growth, I  
16 was gaining accounts all throughout the fall, all  
17 throughout my tenure I was helping my distributors grow,  
18 my stint was cut short. When I started to look at, you  
19 know, the string of events, right, the one in February  
20 within a week of being Holly Burns -- I don't think I  
21 really taught on that. We said that I was too confident  
22 and cocky and confronted me at --

23 Q. Yeah. I know we haven't talked about that.  
24 It's on my list and I did want to talk with you about  
25 it.

1           A. Yeah. Because, you know, I did a chronology  
2     and I was just sharing my -- you know, the onboarding,  
3     the incident with Holly being a white female confronting  
4     me for being too confident and all this and that.

5                     And then -- then Eric Boydstun and another  
6     black manager, they kind of coached me, they pulled me  
7     aside in the room, you know, the first -- second week  
8     with the company to say, "Carl, you know, what's going  
9     on? It's not a good look. You got this employee Holly  
10    Burns white female saying that you said some things to  
11    her, whatever."

12                    I'm like, "What?" And then --

13           Q. I think -- you mentioned Eric. Did you say  
14    that Mr. Boydstun is a black man?

15           A. No.

16           Q. Okay. I didn't -- I thought I heard you say  
17    another black man.

18           A. There was another black manager named Damon --  
19    I think it's Damon Williamson.

20           Q. Damon -- or Damon Higginbotham or no?

21           A. No. No.

22           Q. No? Okay. So -- just so you know, I don't --  
23    I haven't met Eric so I don't know what he looks like so  
24    if that seems like a dumb question, sorry, about that.

25           A. Yeah. No, Eric is a cool guy. He's got like

1 long hair. He plays the guitar. I think he owns a bar.  
2 He's really -- he's really very personable.

3 Q. Is he still with Shell?

4 A. The last time I recall he was. But I'd have to  
5 check.

6 Q. All right. And I think you said Tamika Greer  
7 is still with Shell, correct?

8 A. The last of my knowledge. You cannot hold me  
9 any of these still with the company. Please don't.

10 Q. No, no, to the best of your knowledge.

11 A. Yes.

12 Q. And then Tracie Haygood, she's no longer with  
13 Shell?

14 A. Correct.

15 Q. Okay. And I know we talked a little bit about  
16 her earlier.

17 So I understand that, you know, your  
18 conclusions about Xavier's conduct and the motivations  
19 for his conduct include some of the information that you  
20 learned from Tamika and Tracie but as far as your  
21 personal experience with Xavier your reasons for  
22 believing go that his conduct was discriminatory in  
23 nature include the Breaux situation, the way he handled  
24 the O'Rourke situation, the fact that you had received a  
25 performance bonus and you said also a performance review

1 that had a positive tone to it and then also you also  
2 mentioned the fact that he set up the termination  
3 meeting as a call to discuss growth for the coming year.  
4 Am I leaving anything out with respect to your personal  
5 experience with Xavier and the reasons why you believe  
6 he treated you -- his termination -- your termination or  
7 his decision to terminate your employment was racially  
8 motivated?

9 A. You didn't leave anything out but I did.

10 Q. Okay.

11 A. So I had forgot to add like every since I met  
12 him when I started -- you know, we really started to  
13 work together in August and when I was working with Eric  
14 Boydstun, like my growth strategy and growth plan and  
15 objective was clear and it just seemed like there wasn't  
16 a good transaction -- transition, rather, on  
17 expectations from my previous supervisor to Xavier.  
18 And, you know, Xavier like he has a very brash, you  
19 know, style, right? Not personable. Like just dry.  
20 But, you know, I adjusted to him, right? I mean, it's  
21 business. Why does he got to be your friend? So it's  
22 just when we would engage in interactions on our  
23 business and so forth, he just kind of always left me  
24 with an uncomfortable feeling the way he would talk to  
25 me, the comments he would make. They weren't

1 constructive.

2 Q. Okay.

3 A. And -- and one of the things that Xavier did  
4 with all of his team members is we used to have what's  
5 called this MILO, M-I-L-O, and that stands for Month in  
6 the Life.

7 Q. I saw that. MILO in the subject line of some  
8 e-mails.

9 A. Yes, yes. So -- so -- but MILO is something  
10 that all his direct reports did to tell him what are we  
11 working on for the month. What are our objectives? Who  
12 are we going to spend time on? What distributors? What  
13 customers? Who are our targets?

14 And then the company -- Xavier said, "Okay,  
15 guys, we're not -- no longer just going to do a monthly  
16 MILO, an account of what you have had planned and taking  
17 place, now we're going to do it weekly." So then it  
18 turned to a WILO, week in the life of, W-I-L-O.

19 And so here we are every single week, every  
20 Monday, myself, my peers, like all seven of us, his  
21 calendar loaded every week and the thing about my line  
22 of business being an industrial salesperson, it can take  
23 a year, two years, three years to gain the business.  
24 The sales cycle is long. It's not like going to a car  
25 dealership, quick little truck stop where they can tell

1 the trucks to stop delivering this week and then a week  
2 later they got your oil in there to put into a car.  
3 When you're dealing with heavy-duty machinery and  
4 equipment, it requires extensive testing, oil analysis.  
5 You know, they have a huge 10 -- 10,000-gallon tank. It  
6 takes a long time to go through their inventory. They  
7 have to get so many approvals because, you know, you can  
8 imagine the ramifications of a heavy-duty piece of  
9 equipment going down. That shuts down the whole plant.

10 Q. Okay. Let me ask you this. I mean, did Xavier  
11 ever make any discriminatory comments or statements  
12 towards you?

13 A. What's an example? What would that look like?

14 Q. Like did he ever call you a derogatory name,  
15 like the N word?

16 A. Of course not.

17 Q. Okay. Any other -- did he ever call you any  
18 names that you considered to be racist or derogatory?

19 A. No. He didn't call me Boy or, you know,  
20 anything of the jargon and stuff like that.

21 Q. So no name calling?

22 A. Yeah, nothing totally blatant like as far as  
23 name calling but just his tone, his demeanor, the way he  
24 treated me. Like -- like at first his review of mine  
25 was very harsh and -- and we had a -- I said, Xavier,

1 hold on a second like." We did the review in October  
2 and I really just started working with my distributors  
3 like in July or so. Like, I mean, we had a month or two  
4 of introduction. I'm like it's only been a couple  
5 months? How you going to hold my performance up to the  
6 same level of my peers who have been in the role for  
7 five, six years? So it was not a -- a warm or like  
8 inviting relationship from the beginning. You know, my  
9 previous supervisor, Eric Boydstun, is like, "Carl, you  
10 know, you're on the right path. Keep doing what you're  
11 doing. You know, you're going to get ahold of this new  
12 position. I know the sales cycle is long. You know, I  
13 know this is different than what you've done before but,  
14 you know, we believe in you. You have a history of  
15 working well with distributors."

16 And, you know, Xavier just had -- just had  
17 a very harsh, you know, style and then the way he would,  
18 you know, talk to me it would just be kind of -- kind of  
19 rough.

20 Q. Okay. And I know you've already said he didn't  
21 call you any racist or derogatory names. I mean, he  
22 never -- he never told you directly, "Hey, I don't like  
23 you because you're black," or, you know, anything like  
24 that? I know it's a silly question but I have to ask  
25 it. I'm just doing my job. I'm sorry.



1           A. No, it's -- I saw Mr. Hodges.

2           Q. Yeah, he's probably getting ready to go. And I  
3 have one more question before we get off the record and  
4 then we can wrap up. But he never told you directly  
5 specifically, "I just don't like you, Mr. Williams,  
6 because you're a black man"?

7           A. Those words did not explicitly come out of his  
8 mouth. I can only account for my interaction with him  
9 being the only black male on the team and one of the  
10 newest employees versus the other employees outside of  
11 Ms. Tamika Greer who was an experienced black female  
12 having been with the company at least four or five  
13 years. But other than that I seemed to have the hardest  
14 time with him.

15          Q. Okay. And were there other, you know, white  
16 males, white females or employees of other races that he  
17 treated more fairly or more positively than he did you?

18          A. Absolutely.

19          Q. Who were those employees?

20          A. They were more senior employees that had been  
21 with the company ten years, 20 years. I remember Bob  
22 McDonald, he's like an all star. There's no other way  
23 to say that. I'm trying to remember the names of some  
24 other guys. I'm more of like a facial memory person.  
25 The names kind of get cloudy after awhile. Yeah, there

1     were a handful of -- Gary, who I had, you know, worked  
2     with some and did some onboarding with, you know, he  
3     favored Gary. Gary said Xavier still gave him a tough  
4     time here and there but he said for the most part he  
5     respected the tenured employees, the older white males  
6     and he really -- I mean --

7             Q. Before you move on from that, other than Bob  
8     McDonald and Gary, are there any other employees you  
9     would include in the list of employees who he treated  
10    more fairly or more favorably than you?

11            A. Art Keneally was another one.

12            Q. Art? Okay.

13            A. Art Keneally and Doug Peterson.

14            Q. Anyone else you can think of besides Bob, Gary,  
15    Art and Doug?

16            A. Those four stand out.

17            Q. And you were about to say something about  
18    Tamika? I thought I heard you say something about  
19    Tamika but we can -- we can pick up with that when we --

20            A. I was just saying that she articulated, you  
21    know, some abrasive conversations and stuff with him as  
22    well but her experiences were still not as contentious  
23    as mine were. Mine -- mine just seemed to be the  
24    harshest.

25            Q. Okay. All right. Okay. Well, we will resume

1 this deposition. Mr. Williams, I'm going to leave off  
2 there because we agreed to stop at 4:30. So the plan is  
3 we're going to leave your deposition open and we will  
4 resume next Friday, November 5th, at -- let's see, 11:00  
5 a.m. Central Time which will 9:00 a.m. Vegas time for  
6 you.

7 THE WITNESS: That's correct.

8 MS. JAMES: Okay. Mr. Hodges, did you have  
9 anything you wanted to add? I saw you took your mute  
10 off.

11 MR. HODGES: I wanted to speak with you off  
12 the record just about some other matter.

13 MS. JAMES: Okay.

14 VIDEO OPERATOR: That concludes our  
15 deposition today. The time is 4:33 p.m. and we are now  
16 off record.

17 (Deposition adjourned at 4:33 p.m.)

18

19 Reporter's Note: According to Federal  
20 Rule 30(e)(1), the request for review of the deposition  
21 by the witness is accomplished "on request by the  
22 deponent or a party before the deposition is completed."

23 Since this was not done, signature is  
24 considered waived for this transcript.

25

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION  
4 CARL O. WILLIAMS, )  
5 )  
6 Plaintiff, )  
7 )  
8 VS. ) NO. 4:20-cv-04295  
9 )  
10 SHELL OIL COMPANY, )  
11 )  
12 Defendant. )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

11 REPORTER'S CERTIFICATION  
12 DEPOSITION OF CARL O. WILLIAMS, JR.  
13 OCTOBER 29, 2021  
14 I, Wendy Schreiber, Certified Shorthand Reporter in  
15 and for the State of Texas, hereby certify to the  
16 following:  
17 That the witness, CARL O. WILLIAMS, JR., was duly  
18 sworn by the officer and that the transcript of the oral  
19 deposition is a true record of the testimony given by  
20 the witness;  
21 That examination and signature of the witness to  
22 the deposition transcript was waived by the witness and  
23 agreement of the parties at the time of the deposition;  
24 That the original deposition was delivered to  
25 KINDALL C. JAMES, ESQ.;

1 That the amount of time used by each party at the  
2 deposition is as follows:

3 KINDALL C. JAMES, ESQ. - 04 HOURS:49 MINUTE(S)  
4 EDDIE HODGES, JR., ESQ. - 00 HOURS:00 MINUTE(S)

5 That \$\_\_\_\_\_ is the deposition officer's  
6 charges to the Party for preparing the original  
7 deposition transcript and any copies of exhibits;

8 That pursuant to information given to the  
9 deposition officer at the time said testimony was taken,  
10 the following includes all parties of record:

11 FOR THE PLAINTIFF:

12 EDDIE HODGES, JR., ESQ. (Appearing Remotely)  
13 KENNARD LAW, P.C  
14 5120 Woodway Drive  
15 Suite 10010  
16 Houston, Texas 77056  
17 Phone: (210) 888-1393  
18 eddie.hodges@kennardlaw.com

19 FOR THE DEFENDANT:

20 KINDALL C. JAMES, ESQ. (Appearing Remotely)  
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22 1001 Fannin, Suite 1800  
23 Houston, Texas 77002  
24 Telephone: (713) 651-2945  
25 Facsimile: (713) 651-2908  
KJames@liskow.com

26 That a copy of this certificate was served on all  
27 parties shown herein on \_\_\_\_\_ and filed  
28 with the Clerk pursuant to Rule 30(e)(1).

29 I further certify that I am neither counsel for,

1 related to, nor employed by any of the parties or  
2 attorneys in the action in which this proceeding was  
3 taken, and further that I am not financially or  
4 otherwise interested in the outcome of the action.

5 Certified to by me this 9th day of November, 2021.

6

7

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21

22

23

24

25

Wendy Schreiber  
Wendy Schreiber, Texas CSR 9383  
Expiration Date: 05/30/22  
MAGNA LEGAL SERVICES  
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7 Penn Center  
1635 Market Street  
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Job No. 760688

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CARL O. WILLIAMS, )  
)  
Plaintiff, )  
)  
VS. ) NO. 4:20-cv-04295  
)  
SHELL OIL COMPANY, )  
)  
Defendant. )  
)  
)  
)

ZOOM AND VIDEOTAPED DEPOSITION OF  
CARL O. WILLIAMS, JR.  
FRIDAY, OCTOBER 29, 2021  
VOLUME 2

-----

ZOOM AND VIDEOTAPED DEPOSITION OF  
CARL O. WILLIAMS, JR., produced as a witness at the  
instance of the DEFENDANT, and duly sworn, was taken  
in the above-styled and numbered cause on Friday,  
November 5, 2021, from 11:07 a.m. to 3:37 p.m., via Zoom  
before Wendy S. Schreiber, CSR No. 9383, in and for the  
State of Texas, reported by machine shorthand, at Las  
Vegas, Nevada, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record or  
attached hereto.

Job No. 765405

1 APPEARANCES

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12

13 Video Operator - Nate Laningham (Appearing Remotely)  
14 Also present: Stephanie Jackson (Appearing Remotely)  
15  
16  
17  
18  
19  
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25



1 INDEX

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7

EXHIBITS

8			
9	NO.	DESCRIPTION	PAGE
10	Exhibit 4	Acknowledgement of Receipt of the Code of Conduct, Equilon_000534 - Equilon_000535	171
11	Exhibit 5	E-Mail dated 2/19/19 to Burns from Williams, Equilon_000433	215
12	Exhibit 6	E-Mail dated 2/17/10 to Williams from Puvilland, Equilon_000059	217
13	Exhibit 7	E-Mail dated 2/17/20 to Puvilland from Williams, Equilon_001283 - Equilon_001286	218
14	Exhibit 8	E-Mail Chain dated 1/14/20 to Puvilland from Williams, Equilon_000165 - Equilon_000166	221
15	Exhibit 9	E-Mail Chain dated 11/1/2019 to Williams from Puvilland, Equilon_001068 - Equilon_001071	228
16	Exhibit 10	E-Mail Chain dated 1/28/2020 to Williams from Puvilland, Equilon_000073 - Equilon_000074	230
17	Exhibit 11	E-Mail Chain dated 1/28/2020 to Williams from Puvilland, Equilon_001184 - Equilon_001185	236
18	Exhibit 12	E-Mail dated 3/19/20 titled "Case Details", Equilon_000525,	240
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2	NO.	DESCRIPTION	PAGE
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4	Exhibit 13	E-Mail Chain dated 3/20/20 to Puvilland from Encarnacion, Equilon_001295 - Equilon 0001297	243
5			
6		EXHIBITS MENTIONED BUT NOT MARKED	
7	PLAINTIFF'S NO.	DESCRIPTION	PAGE
8			
9	Exhibit 1	Equilon_000097 (Not Attached - Retained by Counsel)	251
10	Exhibit 2	Equilon_001104 - Equilon_001107 (Not Attached - Retained by Counsel)	257
11			
12	Exhibit 3	Equilon_001033 (Not Attached - Retained by Counsel)	261
13	Exhibit 4	Equilon_112 (Not Attached - Retained by Counsel)	263
14			
15	Exhibit 5	Equilon_858 - 859 (Not Attached - Retained by Counsel)	264
16	Exhibit 6	Equilon_1152 (Not Attached - Retained by Counsel)	275
17			
18	Exhibit 7	Equilon_488 (Not Attached - Retained by Counsel)	279
19	Exhibit 8	Equilon_00053 - 55 (Not Attached - Retained by Counsel)	284
20			
21	Exhibit 9	Equilon_830 - 831 (Not Attached - Retained by Counsel)	287
22		REQUESTED DOCUMENTS/INFORMATION	
23		NONE	
24			
25		CERTIFIED QUESTIONS	

1 VIDEO OPERATOR: We are now on the video  
2 record. This begins media file No. 1 in the deposition  
3 of Carl Williams in the matter of Carl Williams versus  
4 Shell Oil Company in the U. S. District Court, Southern  
5 District of Texas, Houston Division, Civil Action No.  
6 420-cv-04295.

7 Today is Friday, November 5th, 2021, and  
8 the time is 11:07 a.m. The deposition is being taken  
9 remotely at the request of Liskow & Lewis. The  
10 videographer is Nate Laningham of Magna Legal Services  
11 and the court reporter is Wendy Schreiber.

12 Will counsel and all parties present  
13 please state their appearances and whom they represent.

14 MR. HODGES: Eddie Hodges, Jr. on behalf of  
15 plaintiff, Mr. Carl Williams.

16 MS. JAMES: Kindall James on behalf of  
17 defendants, Shell Oil Company and Equilon.

18 THE REPORTER: Okay. My name is Wendy  
19 Schreiber, Texas CSR No. 9383. I am reporting the  
20 deposition remotely by stenographic means from Burleson,  
21 Texas and the witness is located in Las Vegas, Nevada.

22 Sir, please raise your right hand.

23 In the deposition about to begin, do you  
24 solemnly swear or affirm that you are CARL O. WILLIAMS,  
25 JR. and that the testimony you are about to give shall

1 be the truth, the whole truth and nothing but the truth,  
2 so help you God?

3 THE WITNESS: You left off the Junior.

4 THE REPORTER: Oh, okay. Yes, that you  
5 are CARL O. WILLIAMS, JR. and that you will tell the  
6 truth, the whole truth and nothing but the truth, so  
7 help you God?

8 CARL O. WILLIAMS, JR.,  
9 having been first duly sworn, testified as follows:

10 THE REPORTER: You may begin.

11

12 EXAMINATION

13 Q. (BY MS. JAMES) Good morning, Mr. Williams.

14 A. Good morning.

15 Q. Thank you for reconvening with us on your  
16 vacation. I do appreciate it. I will try to move  
17 through the rest of my questions for you as quickly as I  
18 can.

19 One thing I wanted to confirm is I'm going  
20 to share my screen with you and show you a copy of a  
21 document that we will mark as an exhibit but I do need  
22 the court reporter to remind me of which number we're  
23 on, if you can do that, Wendy.

24 THE REPORTER: Yes, we are on Exhibit 4.

25 (Exhibit 4 was marked for identification.)

1 Q. (BY MS. JAMES) Mr. Williams, I've just shared  
2 my screen with you, I hope.

3 A. Well, you please zoom in?

4 Q. I just -- I just want to confirm that this is a  
5 copy of an acknowledgment that you signed when you began  
6 your employment with Shell related to your receipt of  
7 the various Shell policies referenced on this document.

8 A. So what's the question?

9 Q. I just want to confirm that this is a  
10 document -- it looks like your -- you put your initials  
11 at the bottom. I just want to confirm that that is your  
12 initials at the bottom and this is a copy of the  
13 acknowledgment that you initialed in connection with  
14 your receipt of the Shell policies that were provided to  
15 you when you began your employment with Shell. And I  
16 can send it through Chat if you want to look at it.

17 A. That would be nice. It would be better. I  
18 mean, honestly, I do not recall signing this. It looks  
19 like it might have been day one of my employment or  
20 something, if so, and I guess it was all electronic.

21 Q. Yeah, I mean, that's I think how they normally  
22 do it when you onboard. They get you to sign off on  
23 various things. How do I make this bigger?

24 A. There's a plus sign at the top.

25 Q. Well, mine has disappeared so I have my screen

1     that I've shared and then I've got a little small screen  
2     now with all of you all's pictures in it. Let's see.

3                     VIDEO OPERATOR: If you go over the window  
4     and you push "Control" and plus, it should zoom in.

5                     MS. JAMES: Well, what it's not doing it's  
6     not showing me anymore the -- oh, it's over here.  
7     That's why. Okay. I'll try it again.

8             Q. Okay, I've just, I think, sent over a PDF copy  
9     through the Chat function of the acknowledgment  
10    document.

11            A. It says Equilon?

12            Q. Yes, Equilon 534 is the Bates label on this  
13    document.

14            A. What does that word mean?

15            Q. That's the company's name.

16            A. Oh. Shell Equal Opportunity policy. I guess  
17    -- so where is like discrimination? Like is that  
18    Harassment? Like I'm trying to see which area is  
19    applicable to my case.

20            Q. Okay, so this is just a copy of the document  
21    you signed when you began your employment with Shell  
22    acknowledging that, you know, these are the Shell  
23    policies and that you've been given access to them.

24            A. Okay. You know, I do not recall but, you know,  
25    it's been a while ago, my first day of employment, so

1     that is my initial and, you know, it looks familiar that  
2     I've seen this content before. It is kind of standard  
3     corporate stuff with Exxon and Shell so, you know, I  
4     mean, yeah, it's familiar but, yeah.

5           Q.   Okay. And you -- I mean, you don't dispute  
6     that -- Shell provided you access with copies of all of  
7     the various employment policies that applied during your  
8     employment with Shell that are listed here in this  
9     document, do you?

10          A.   I know we are on the Internet but when I look  
11     at this Code of Conduct, I don't see where, you know,  
12     like I guess discriminatory treatment info is -- you  
13     know, how to deal with that or -- I don't know. But  
14     perhaps the only one I guess -- I guess is some type of  
15     harassment like if you're a woman and, you know, if,  
16     your male supervisor is advancing towards you or saying  
17     sexual innuendoes or, you know, a minority employee or,  
18     you know, somebody criticizing your religion, I guess  
19     that's harassment. Other than that I'm not sure.

20          Q.   So my question is do you agree that you  
21     received or were provided access to a copy of the Shell  
22     Code of Conduct?

23          A.   I did not receive but this stuff is normally on  
24     the intranet, on the company's intranet while you are  
25     employed with the company. So I do recall having access

1 to this information while being employed.

2 Q. Okay.

3 A. All right? Okay.

4 Q. And you don't dispute that you also were given  
5 access to the policies listed under Nos. 2 and No. 3 of  
6 this document that you initialed?

7 A. Two and three?

8 Q. Yes.

9 A. I don't see a number 3.

10 Q. Oh, it's on the second page. I'm sorry, it's  
11 -- it's numbered 1 on the second page.

12 A. And you want me -- yeah, I had access when I  
13 was employed with the company.

14 Q. To the -- to the policies that are listed on  
15 the second page of Exhibit 4?

16 A. Yeah, it looks familiar. I would -- yeah, I  
17 would say I had access to this. It just looks like it's  
18 missing the one that's applicable to my situation  
19 though. I would have had to search somewhere -- it  
20 looks like they left it out of that Code of Conduct.

21 Q. So the Code of Conduct I think is mentioned on  
22 the first page at the top.

23 A. I mean, all this -- all this -- all this  
24 content is inside of the Code of Conduct.

25 Q. So if you look on the first page, Mr. Williams,



1 the Code of Conduct is referenced there. Do you see  
2 that?

3 A. I do.

4 Q. Okay. And then on the second page it talks  
5 about receipt of other policies and there's a list of  
6 other policies that you were given access to. Do you  
7 see that?

8 A. Okay, yes, yes. So, yes, I had access to  
9 these -- you know, these documents, the Code of Conduct  
10 and these other documents. I had access on the company  
11 intranet.

12 Q. Okay. And just to be clear, you're talking  
13 about the Code of Conduct and the other policies  
14 referenced in Exhibit 4 when you say you had access to  
15 the other policies?

16 A. That's correct.

17 Q. Okay. Let's see stop Share. Now it goes back.  
18 When we spoke last week, Mr. Williams, you  
19 told me about a situation involving Breaux Petroleum and  
20 Lucas Kerley. Do you recall that?

21 A. I'm sorry, it had froze a second. Breaux  
22 Petroleum and was it Lucas Kerley?

23 Q. Yes. Do you recall last week we discussed --

24 A. Yes, I do.

25 Q. -- a situation involving Breaux Petroleum and

1 Lucas Kerley?

2 A. Yes, ma'am, I do.

3 Q. Okay. You told me that Mr. Kerley accused  
4 Breaux Petroleum of not wanting to work with you because  
5 you were not white and I was curious how did you know  
6 that Mr. Kerley made that comment to Breaux Petroleum?

7 A. I'm sorry, you said how did I do what?

8 Q. How did you know that Mr. Kerley made that  
9 comment to Breaux Petroleum?

10 A. He told me personally. He said it over the --  
11 over the phone while we were -- because we were at an  
12 event. I guess it was the one -- was it shortly after  
13 Miami and he told me what happened and he said he was  
14 reprimanded because he had met with Breaux in January --  
15 or somewhere in that timeframe I believe the first  
16 quarter because that's when we found -- found out like  
17 in December or so, in the fourth quarter, there were --  
18 we had new territory managers, new other what we call  
19 ICAMs similar to Steven Stack's role and Jarrett Enochs  
20 so we -- we added more team members and that's -- now  
21 that I think about it, I think the guy's last name is  
22 Johnson that -- the other white employee who resumed my  
23 role for Shell and who was assigned to Breaux Petroleum,  
24 if I'm not mistaken.

25 Q. Okay. So you're -- okay, so I think we're

1 talking about a couple of different things here. So  
2 earlier -- last week when we were talking about your  
3 role with Shell you mentioned that there was a  
4 realignment where the accounts were redistributed cross  
5 the business-development managers that worked under  
6 Mr. Puvilland; is that correct?

7 A. That's correct.

8 Q. Okay. So the individual that took over the  
9 Breaux Petroleum account in connection with when the  
10 accounts were reassigned, that -- that individual's name  
11 or last name is Johnson?

12 A. I think so. I think so. I may be incorrect  
13 but I think. I'm trying -- I'm just trying to remember.

14 Q. Do you recall his first name?

15 A. Not at the moment I do not.

16 Q. And Mr. Johnson, he -- he was new to the role  
17 with Shell, the business-development role, and new to  
18 the team that worked under Xavier; is that correct?

19 A. Yeah, he had did some of the work but he had  
20 many years at Shell.

21 Q. Okay. But he -- so -- so is it your  
22 recollection that the re -- that the accounts were  
23 reassigned around December of 2019 timeframe?

24 A. Yes, in the fourth quarter. It might have been  
25 November or so, yes.

1           Q.   Okay.   And I understand that Mr. Johnson had  
2   previously worked for Shell but he was new to the group  
3   that reported to Xavier; is that correct?

4           A.   Yes, yes, he came from another team, that's  
5   correct.

6           Q.   And he came from another team around the  
7   December of 2019 timeframe.

8           A.   Yes, fourth quarter.   Please don't hold me to  
9   December, it might have been November, but I know it was  
10   fourth quarter.

11          Q.   Okay.

12          A.   But --

13          Q.   I'm sorry.

14          A.   -- to your initial question, Lucas told me  
15   about the incident when my successor -- like I said, I  
16   think his last name was Johnson -- when he was assigned  
17   to BreauX Petroleum because of territory realignment.  
18   Lucas Kerley told him, "Hey, guys, you know, I just want  
19   you to know your -- you know, you'll no longer be  
20   working with Carl and that, you know, the new guy is  
21   white."

22                   And they were like, "What's that has to do  
23   with anything?"   They said, "White?"

24                   He said, "Well, you know, you know, you  
25   guys were not supportive and willing to work with Carl.

1 You know, he was assigned to you guys as your  
2 business-development manager."

3 Lucas Kerley was my technical assistant  
4 sales engineer and the process -- the protocol when  
5 distributors work with business-development managers  
6 they do everything through them and then it's the BDM's  
7 responsibility to engage other technical resources  
8 within the company that's needed depending on the  
9 opportunity. So they would -- they would consistently  
10 circumvent me and just talk directly to Lucas.

11 And Lucas would say, "Hey, you know, you  
12 guys got to call Carl. You got to, you know, go through  
13 Carl. You know, invite Carl."

14 And they -- they wouldn't do that. And so  
15 when the new employee was assigned he said -- you know,  
16 like I say, "The new guy is white."

17 They said, "Well, what are --are you saying  
18 we're racist?"

19 He was like, "Perhaps you are." He was  
20 like, "Perhaps you are and I think you are," or  
21 something like that, "because you didn't -- you didn't  
22 want to work with Carl. He's a smart guy, you know.  
23 I've known him at Exxon. He's a go-getter, smart,  
24 articulate, and the only thing," he was like, "it must  
25 be because he's black."

1                   And, you know, they -- that caused a  
2   stir-up in them. You know, they were -- you know, they  
3   were infuriated by his comments and they reported that  
4   to his boss.

5           Q.   Okay.

6           A.   And he simply -- he told me -- he told me he  
7   just got a coaching. They just told him, "Hey..." you  
8   know, I don't know verbatim but he said, you know, he  
9   was just reprimanded and told, you know, do not --  
10   you've got to respect the commercial relationship with  
11   our distributors and, you know, things like that and you  
12   can't make those type of inflammatory comments.

13          Q.   All right. So Lucas -- did Lucas tell -- I  
14   think you were telling me earlier my initial question  
15   was, Mr. Williams, how did you learn about this incident  
16   in which Mr. Kerley accused Breaux Petroleum of not  
17   wanting to work with you because you were black? And I  
18   think you were telling me that you learned of this at  
19   the event that we talked about last week in Miami; is  
20   that correct?

21          A.   I know we talked in Miami but I think he might  
22   have told me that over the phone post the event.

23          Q.   So Lucas told you about his comments to Breaux  
24   Petroleum over the phone?

25          A.   I believe so, yeah, because we were talking and

1     somehow it came up. He mentioned it.

2           Q. Okay. And was anybody else on the call besides  
3     you and Lucas?

4           A. No, ma'am.

5           Q. Okay. And your telephone call with Lucas is  
6     how you learned that he made a comment about Breaux  
7     Petroleum not wanting to work with you because of your  
8     race --

9           A. That's correct.

10          Q. -- for Breaux Petroleum?

11          A. That's correct.

12          Q. Okay. How do you know that Breaux Petroleum  
13     reported Mr. Kerley's comments to his boss?

14          A. He told me.

15          Q. Mr. Kerley told you that?

16          A. Yes.

17          Q. Okay. Is Mr. Kerley the only person that told  
18     you that?

19          A. Yes. That was a private matter to him so he  
20     was willing to share that.

21          Q. And he -- and Mr. Kerley also told you that he  
22     was coached by his boss about the incident?

23          A. Correct. He told me --

24          Q. I'm sorry.

25          A. He told me he was scared. He was like -- and I

1 don't know if it's okay to use profanity but he said he  
2 was scared at shit and he said he thought he might was  
3 going to lose his job but he said he was just kind of,  
4 you know, reprimanded. He was really scared.

5 Q. Did you ever have any conversations with Breaux  
6 Petroleum about Mr. Kerley's comments --

7 A. No.

8 Q. -- to Breaux Petroleum?

9 A. No. No, ma'am.

10 Q. Did you ever have any discussion with  
11 Mr. Kerley's boss --

12 A. No.

13 Q. -- about Mr. Kerley's comments to Breaux  
14 Petroleum?

15 A. No, ma'am. That stayed between Mr. Lucas  
16 Kerley and I. I did not share that private matter with  
17 any other employees.

18 Q. Okay. So you didn't discuss the incident  
19 related to Breaux Petroleum and the comments Mr. Kerley  
20 made to Breaux with any other Shell employee?

21 A. That is correct.

22 Q. And you're not aware of Breaux Petroleum ever  
23 asking Mr. Kerley's boss to remove Mr. Kerley from its  
24 accounts, are you?

25 A. I'm not knowledgeable of that.



1 Q. And you're not aware of Breaux Petroleum ever  
2 asking Xavier or any other -- anyone else at Shell to  
3 remove you from its account, are you?

4 A. I'm not aware of that.

5 Q. And just to confirm, the Breaux Petroleum  
6 account, that account moved over to Mr. Johnson as a  
7 result of the realignment that affected the entire  
8 group, correct?

9 A. That's correct.

10 Q. Did you know why -- well, let me ask you this.  
11 You mentioned Mr. Kerley or you mentioned a situation or  
12 situations where Breaux Petroleum went around you and  
13 dealt with Mr. Kerley directly with respect to certain  
14 issues.

15 A. Certain business opportunities, commercial  
16 engagement, yes.

17 Q. What business opportunities did Breaux  
18 Petroleum go directly to Mr. Kerley on as opposed to  
19 you?

20 A. There were several that we worked on. One was  
21 Sasol, S-A-S-O-L, right there in Lake Charles,  
22 Louisiana. I mean, that's where Breaux Petroleum was  
23 located. I mean, I did a plant walk-through once but  
24 then they left me out of some other business and I think  
25 another one was called Cameron LNG. I recall they were

1     doing like a new startup gas -- natural-gas plant there  
2     in -- well, south of Lake Charles right there kind of in  
3     the bayou. But there were several and Lucas said it  
4     happened on multiple occasions.

5           Q. Multiple occasions where Breaux Petroleum would  
6     go to Lucas with new business opportunities as opposed  
7     to you?

8           A. Correct.

9           Q. And Mr. Kerley told you about these situations?

10          A. Yes.

11          Q. Did you ever have any discussion with Breaux  
12     Petroleum about any of these situations where they went  
13     to Mr. Kerley instead of you?

14          A. I do recall re enforcing our rules of  
15     engagement, I believe, with the sales manager and their  
16     senior technical rep and I on numerous occasions, you  
17     know -- you know, requested, you know, say, "Hey, can I  
18     join you? Can you put something on your calendar? Do  
19     you have anything you know coming up in the next couple  
20     weeks? How are these accounts going?" Because they  
21     shared the sales pipeline so I knew the opportunities  
22     that we would focus on, most of them. Sometimes they  
23     don't share. So I knew what they were pursuing but I  
24     would just never get invited --

25          Q. Okay.

1           A. -- on some opportunities. I mean, one of their  
2     sales reps -- what was his name? -- Clayton -- Clayton  
3     Rougeou. Clayton and I worked very well. He was one of  
4     their newer sales reps and he -- and he commended me.  
5     He said I helped them do quite a bit of good  
6     opportunities. We did a couple visits. I did spend  
7     some time with Clayton. He was newer. He was willing  
8     to work with me, Clayton was, one of the sales reps.

9           Q. Which representatives of Breaux Petroleum were  
10    not willing to work with you in your opinion?

11          A. I'm trying to think of their names. They have  
12    like one senior rep who's been in the industry and so  
13    forth for like 30 years or so and he was the main top  
14    sales guy and, oh, my goodness, I can't think of his  
15    name but he was -- he was the one that would leave me  
16    out and -- and the manager -- you know, the sales  
17    manager was aware of it at Breaux. His name is Mike.  
18    And, you know, he didn't do any enforcement or take any  
19    action.

20          Q. So there was one -- to your recollection there  
21    was one senior sales representative at Breaux that would  
22    not invite you to go along with him to visit new  
23    accounts?

24          A. Correct, correct. He was the main like --

25          Q. Was there anyone else besides him that you

1 recall at Breaux Petroleum that would not invite you  
2 along to visit new potential accounts?

3 A. Well, yeah, yeah, the others from what I recall  
4 they had about seven, eight sales reps and I was -- only  
5 one of them worked with me and was active in  
6 communications and opportunity and that was Clayton  
7 Rougeou. All the others, you know, despite requests  
8 they would never invite me or try to secure anything XX.  
9 It was really one that was willing to work with me and  
10 all the others there was no traction. And the sales  
11 manager and I guess the VP, I mean, they were aware of  
12 everything and they just -- they didn't take any action.  
13 They felt that -- yeah.

14 Q. And let me ask you this. Were the sales reps  
15 for Breaux Petroleum required to bring a Shell  
16 business-development manager with them every time they  
17 visited a new potential account?

18 A. I mean, it's a part of our distribution, you  
19 know, business agreement to pipeline review, to engage  
20 with Shell resources to go in business so I wouldn't say  
21 it's an expectation to every account because they  
22 service accounts and they sell multiple brands. Not  
23 every account they sell lubricants to is Shell related.

24 I'm sorry, I can't hear you. I cannot hear  
25 you. Is it just on my end?

1 MR. HODGES: I can't hear her as well.

2 VIDEO OPERATOR: Yeah, we can't hear you,  
3 ma'am. I'm going to pause the record real quick here.  
4 It's 11:35 a.m. We're off record.

5 (Recess taken from 11:35 a.m. to 11:37 a.m.)

6 VIDEO OPERATOR: We're back on the video  
7 record. It's 11:37 a.m.

8 Q. (BY MS. JAMES) Okay, Mr. Williams, sorry about  
9 that. I had technical difficulties with my microphone.

10 So earlier I was asking just about the  
11 relationship between Breaux Petroleum and Shell and I  
12 think my understanding, and tell me if I'm correct about  
13 this, last week when we were talking you were describing  
14 that, you know, Shell, you know, worked with  
15 distributors and then there were end clients who were  
16 serviced by the distributors; is that correct?

17 A. That's correct.

18 Q. So Breaux Petroleum would have been a  
19 distributor who sold Shell product to various end  
20 clients; is that correct?

21 A. Yes.

22 Q. Okay. And as a business-development manager,  
23 you would provide resources and assistance to Breaux  
24 Petroleum as a distributor and in helping them sell  
25 Shell products to end clients?

1           A. That's correct.

2           Q. Okay. Now, you're not aware of any kind of  
3 agreement between Shell and Breaux Petroleum where  
4 Breaux Petroleum was required to include you in every  
5 sales call that its sales managers went on, are you?

6                   MR. HODGES: Objection: asked and  
7 answered.

8                   MS. JAMES: I didn't hear the answer.

9                   MR. HODGES: Okay. You can state your last  
10 answer if you remember what you stated or you can answer  
11 the question how you know, Mr. Williams.

12                   THE WITNESS: You know, they promote Shell  
13 and so I don't know the language in the distribution  
14 agreements but they're normally like three-year  
15 agreements or so. They have sales goals, revenue goals  
16 and things where they get bonuses and if they don't  
17 perform, then they would not be a renewed licensed Shell  
18 distributor. So that's many things that they must do  
19 and it does include working with the  
20 business-development manager along with -- along with  
21 the ICAM. But I don't know the language. They may say  
22 every call -- sales call doesn't show lubricant. I  
23 don't think that's reasonable. I don't know.

24           Q. Have you ever seen a copy of the agreement  
25 between --

1           A. No, because I'm a sales rep. I'm a sales rep.  
2   Yeah, being a sales rep I do not. Only the indirect  
3   account managers -- indirect channel -- ICAMS, indirect  
4   channel account managers, they manage that.

5           MR. HODGES: I was just going to say just  
6   let her finish her question. I don't know if you were  
7   finished with your answer, I'm sorry about that, but  
8   just let her finish her question so the record can be  
9   clear.

10          Q. (BY MS. JAMES) So my question was you never  
11   saw the agreements between Breaux Petroleum and Shell,  
12   correct, Mr. Williams?

13          A. That's correct, yes.

14          Q. Okay. And Breaux Petroleum, as far as you  
15   know, didn't have an exclusive distribution agreement  
16   with Shell where it was exclusively distributing Shell  
17   products, did it?

18          A. I do not recall like the content. I do not  
19   know it in the agreement but I do recall them selling  
20   other lubricants.

21          Q. So Breaux Petroleum did sell other brands of  
22   lubricants besides Shell products?

23          A. Yes, that's correct.

24          Q. Okay. And you said earlier -- you mentioned  
25   earlier that the sales manager at Breaux Petroleum was

1     aware that not all the sales reps were in -- were asking  
2     you to attend certain client-account meetings?

3             A.   Yes, that's correct.

4             Q.   How -- how -- how was the sales manager aware  
5     of that?

6             A.   I mean, we had one-on-one calls.  You know, we  
7     would have sales pipeline calls.  Alex Sudyk, he was the  
8     interim account manager for Breaux while I was -- so he  
9     and I we had meetings with Breaux.  I've done training  
10    with them on lubricants so I've had in-person engagement  
11    with them.  You know, we've taken customers out to  
12    lunch.  So -- so there -- there was some engagement but  
13    on most of like the new opportunities, those that really  
14    come to market that actually closed that we went into  
15    that would impact my numbers in the pipeline, I would  
16    not get invited to those.

17            Q.   And you mentioned earlier that there were two  
18    specific meetings that you're aware of that you did not  
19    get invited to.  You mentioned that there was a  
20    walk-through at the Sasol plant in Lake Charles and then  
21    that there was --

22            A.   I did that one.

23            Q.   I'm sorry?

24            A.   I did do a walk-through at Sasol.  I did.

25            Q.   Okay.  What -- what meetings are you aware of



1 where a sales representative with Breaux did not invite  
2 you to the meeting with a new client?

3 A. Are you asking which accounts?

4 Q. Yeah. Are you aware of any -- the sales  
5 representatives, you know, on any particular occasion  
6 going to visit some of these new accounts that you just  
7 mentioned and not bringing you with them?

8 A. Yes.

9 Q. Okay. Which new accounts are you talking  
10 about?

11 A. I think -- I think -- I think Cameron LNG was  
12 one. Let's see, I may be able to reference a map or  
13 something.

14 Q. You may be able to what?

15 A. I said I may be able to reference a map. I'm  
16 trying to remember. I think Enlink was another one,  
17 E-N-L-I -- E-N-L-I-N-K. I remember Cameron LNG.

18 Q. So the two that come to mind now --

19 A. There's another one -- there's another one that  
20 comes to mind called Cheniere. That's C-H-E-N-I-E-R-E.

21 Q. I'm sorry, can you repeat that?

22 A. It's called Cheniere. Yes, C -- let's see,  
23 C-H-E-N-I-E-R-E.

24 Q. Can you recall any other accounts?

25 A. McDermot, M-C-D-E-R-M-O-T.

1 Q. Are there any others you can recall?

2 A. I mean, if it comes to me later, I may be able  
3 to answer.

4 Q. Those are -- those four are the ones you can  
5 remember as of right now?

6 A. Yes, ma'am.

7 Q. As for Cameron LNG, who was the Breaux  
8 Petroleum sales representative that was working on that  
9 account?

10 A. That's the one whose name I cannot remember at  
11 the time.

12 Q. And how were you aware that there was a meeting  
13 or a visit with Cameron LNG between that sales  
14 representative or involving that sales representative  
15 where you weren't invited to the meeting?

16 A. Lucas Kerley told me.

17 Q. Did you ever have any discussions with Breaux  
18 Petroleum about the sales representatives' failure to  
19 invite you to that particular meeting with Cameron LNG?

20 A. Yes, ma'am, I've had several.

21 Q. Who did you have several conversations with at  
22 Breaux Petroleum?

23 A. In particularly it was Mike, the sales manager,  
24 and his boss as well whom I believe was like -- was he  
25 the VP or something? But they pretty much -- oh, the

1     guy's name was George. I do remember his first name was  
2     George, the senior sales rep.

3             Q. So the senior sales rep who did not invite you  
4     to a meeting with Cameron LNG his name was George?

5             A. Yes, I do remember that.

6             Q. Okay. And Lucas Kerley is the person who told  
7     you about that meeting with Cameron LNG?

8             A. Yeah, that was one of many.

9             Q. Okay. But Lucas is the one that told you about  
10    the meeting with Cameron LNG?

11            A. That's correct.

12            Q. And that's how you learned of it?

13            A. Yes.

14            Q. Okay.

15            A. Because, like I said --

16            Q. George. I'm sorry, go ahead.

17            A. As I said earlier, they share their sales  
18    pipeline so I knew the account that they were working on  
19    in pursuing but I -- I was not privy to the activities  
20    that was going on in private.

21            Q. And you said you had a conversation with Mike  
22    who was the sales manager for Breaux Petroleum and his  
23    boss, George -- I'm sorry, and Mike's boss?

24            A. Correct.

25            Q. Is that correct?

1           A. That is correct.

2           Q. Did they give you any explanation as to why  
3 George, the sales representative with Breaux, did not  
4 invite you to the meeting or visit with Cameron LNG that  
5 Lucas told you about?

6           A. I think he -- they said -- I think they said  
7 he's old school. I don't know what that means like  
8 being old school. I mean, I have heard that jargon  
9 before a lot of times when older white males are  
10 considered old school that typically means conservative,  
11 like good old boy club and like kind of a -- I guess  
12 euphemism for I guess prejudiced.

13          Q. But Mike, the sales manager for Breaux, he  
14 simply said he's old school?

15          A. Yeah, that he likes to work alone. You know,  
16 he's old school and, you know, George he does what he  
17 wants to do and I have no control over that.

18          Q. Did you have any conversations with any other  
19 employees at Shell about not getting invited to the  
20 Cameron LNG meeting besides Lucas Kerley?

21          A. I did mention it to -- I think, if I recall  
22 correctly, Xavier, my sales manager.

23          Q. Anybody else that you believe you mentioned the  
24 situation to?

25          A. I think I might have mentioned it to Alex as

1 well, Sudyk, that, you know, he's responsible for  
2 helping me grow the business. And I do recall one more  
3 account called Westlake Chemical.

4 Q. Okay. So you said you mentioned not getting  
5 invited by Breaux Petroleum to the visit with Cameron  
6 LNG. You said you mentioned that situation to Xavier?

7 A. I don't recall if I mentioned that exact one.  
8 It was like overall engagement with distributors and  
9 activities and, you know, I was expected to help them  
10 grown their business and I expressed to Xavier that, you  
11 know, I was not getting invited and despite multiple  
12 requests and so forth on the growth opportunities.

13 Q. So you expressed to Xavier that you were not  
14 getting invited to go along with distributors with  
15 respect to various different oppor -- growth  
16 opportunities and new-client visits?

17 A. That's correct.

18 Q. But you didn't specifically mention the Cameron  
19 LNG visit or George to Xavier?

20 A. I believe I did because we talked about my  
21 engagement with all distributors, what's working, what's  
22 not working, what can be improved because it got to the  
23 point where Xavier would say, "Well, Carl, you know, you  
24 can't, you know, wait on them so go out and do your own  
25 hunting and then you..." -- and I did that. I went and

1 did my own prospecting in that market cold calling and  
2 sometimes -- because they wouldn't work with me and so  
3 sometimes I would go to some accounts that I didn't even  
4 know they were working on our customers because they  
5 don't always share, you know, their customers or current  
6 accounts. So although, you know, my role is indirect  
7 business development manager meaning my distributors  
8 they managed the direct relationship with the end  
9 customer, they do the billing, you know, they handle the  
10 product. You know, we're not aware of -- yeah, so what  
11 I would do I would take it upon myself the initiative to  
12 analyze the market to go do my own calls and try to get  
13 face time, get meetings set up on my own and then I  
14 could tell Breaux like, "Hey, you know, I got an  
15 advantage at this account." And I did it with my other  
16 distributors as well.

17 Q. In other words, trying to identify end clients  
18 that Breaux Petroleum could meet with?

19 A. That's correct.

20 Q. Okay. I'd like to just talk right now though  
21 about your conversation with Xavier where you expressed  
22 to him that you were not getting invited to certain  
23 sales calls with the distributors. Did you -- I mean,  
24 did you specifically mention Breaux Petroleum and the  
25 Cameron LNG situation to him?

1           A. I don't recall the exact details and I -- I  
2   notice you keep saying Cameron LNG but it's really the  
3   multiple accounts that I mentioned.

4           Q. Right. I mean, I'm just wondering did you  
5   mention to Xavier Breaux Petroleum not inviting you to  
6   meetings with any of the clients that you mentioned  
7   whether it be Cameron LNG, Enlink, Cheniere, McDermot or  
8   Westlake Chemical?

9           A. I knew -- yes, because Xavier and I he would  
10   have these weekly meetings with all of his sales team  
11   members. It was called a week in the life, W-I-L-O,  
12   week in the life of and so we would talk about  
13   activities and so forth. So I highlighted, you know, my  
14   concerns and things, you know, with Breaux Petroleum.

15          Q. Okay. What concerns -- besides not getting  
16   invited to the meeting with the various clients that you  
17   mentioned earlier, what other concerns did you mention  
18   to Xavier during your weekly or monthly meetings with  
19   him?

20          A. I'm sorry, you said what concerns other than --

21          Q. Yeah. I mean, you said you mentioned your  
22   concerns to Xavier about not getting invited to these  
23   meetings --

24          A. Yes.

25          Q. -- with Breaux Petroleum and some of the end

1 clients, right?

2 A. Yes.

3 Q. Okay. When you say you mentioned your concerns  
4 to Xavier, what specifically did you tell Xavier with  
5 respect to what your concerns were?

6 A. I mean, I don't remember, you know, verbatimly  
7 but it was, you know, just that the challenge of working  
8 with them because, you know, we had very aggressive  
9 sales goals, we really got to hit our numbers, and I was  
10 just very open about the lack of traction and engagement  
11 that I had with them.

12 Q. Okay. Do you remember any other subject matter  
13 that you discussed with Xavier in connection with Breaux  
14 Petroleum not inviting you to sales meetings with  
15 Cameron LNG, Enlink, Cheniere, McDermot, Westlake  
16 Chemical or any other Breaux Petroleum clients?

17 A. I'm sorry, what was the first question -- what  
18 was the question? Did I recall?

19 Q. What concerns did you discuss with Xavier with  
20 respect to Breaux Petroleum's failure to invite you to  
21 some of these client meetings, right, and you said you  
22 do not remember specifically but you spoke in general  
23 with Xavier about the challenge in working with them and  
24 about the lack of traction with them.

25 A. Yes. And I did specifically, you know, state



1 George -- you know, I recall his last name was Leiato,  
2 L-E-I-A-T-O.

3 Q. Okay.

4 A. And I do remember not the sales manager but the  
5 guy I guess right -- right above the sales manager who  
6 report to, his name was Mike Pryor, and that's P-R-Y.  
7 He's the vice president in my department.

8 Q. And these are both employees of Breaux  
9 Petroleum?

10 A. Yes.

11 Q. Okay. And you were telling me about your  
12 conversations with Xavier about concerns with Breaux  
13 Petroleum.

14 A. That's correct. And --

15 Q. Do you recall having -- discussing any other --  
16 so when I asked you what conversations did you have with  
17 Xavier about your concerns with Breaux Petroleum, you  
18 said you didn't remember specifically but you told  
19 Xavier that you were having challenges working with them  
20 and that there was a lack of traction?

21 A. Yes, on opportunities that would matter. On  
22 ones that would move the needle, you know, really help  
23 from a performance standpoint to getting new business  
24 and so the advice was like, "Well, you know, pretty much  
25 you don't have..." --

1           Q. Let's just back up, Mr. Williams. Are you  
2 now -- so do you recall discussing anything else with  
3 Xavier about your concerns with Breaux Petroleum besides  
4 what you just described?

5           A. No, outside of business engagement and gaining  
6 new business, I don't recall any other incidents or  
7 activities.

8           Q. Okay. That -- that you discussed with Xavier  
9 with respect to Breaux Petroleum?

10          A. Correct. Yeah, other than the activities,  
11 other than the challenges working with the senior rep  
12 George Leiato. And if I recall, his feedback was  
13 something like, "Well, you know, you can, you know, kind  
14 of go do it yourself."

15          Q. So when you say "his feedback," are you talking  
16 about Xavier's feedback?

17          A. Yeah, like the way to overcome it. You know,  
18 so they're not, you know, willing to bring you in on  
19 opportunities and so then you go knock on your doors  
20 yourself.

21          Q. In terms of challenges with -- with George  
22 Leiato, did you mention to Xavier anything that you  
23 perceived to be challenges specifically with respect to  
24 Mr. Leiato?

25          A. Yes.

1           Q.   What did you tell Xavier specifically about  
2   Mr. Leiato?

3           A.   If I recall correctly, I think, you know, just  
4   expressing that the difficulties of, you know, me  
5   talking directly, you know, to him. You know, I've  
6   spoken to him on the phone. We met in person and, you  
7   know, I can't make the guy invite me but, you know, I  
8   personally asked him and it's just -- it just -- it  
9   didn't happen.

10          Q.   And that's what you told Xavier about  
11   Mr. Leiato?

12          A.   Yes. I do recall along those lines, you know,  
13   expressing specifically my engagement with that employee  
14   with Breaux.

15          Q.   Okay. And earlier you mentioned that Mike, the  
16   sales manager at Breaux Petroleum, that you had a  
17   conversation with him about George not inviting you  
18   along to visit with new client opportunities or new  
19   client accounts and you said that Mike said, well, he's  
20   old school and he likes to work alone. Do you recall  
21   that -- telling me that?

22          A.   I do -- I do understand the term "old school"  
23   and that, you know -- I mean, obviously he didn't always  
24   like to work alone because he would invite Lucas Kerley  
25   without inviting me so he's, you know, I guess

1 selective.

2 Q. Okay. Let me ask you this. You said that you  
3 believe that the term "old school" was a euphemism for  
4 being prejudiced?

5 A. It can. Conservative. Yeah, that's normally  
6 kind of what it denotes.

7 Q. Did Mike ever tell you that George Leiato was  
8 prejudiced?

9 A. No. No, of course not.

10 Q. Okay. He just said he's old school?

11 A. I believe he said that because I know -- you  
12 know, he said, "George has been doing this awhile, 30  
13 years. You know, I can't tell him what to do. You  
14 know, he's going to do what he wants to do." You know,  
15 he's like -- yeah. It was almost like "Although he was  
16 a manager like I let George do what he wants to do."

17 Q. Okay, but Mike never told you that Mr. Leiato  
18 was prejudiced?

19 A. Correct. No, of course not, no.

20 Q. Okay. Did you ever complain to Xavier or  
21 anyone else at Shell that Breaux Petroleum was  
22 prejudiced against you?

23 A. Are you saying I said that? Now you're saying  
24 prejudiced.

25 Q. Did you ever complain to Xavier or anyone else

1 at Shell that you believed George Leiato or anyone else  
2 with Breaux Petroleum was prejudiced against you or was  
3 discriminating against you?

4 A. I never used those terms. I just kept it  
5 commercial. I just said they wouldn't work with me on  
6 the opportunities that can grow. I never said anything  
7 about they're discriminating against me, they're  
8 prejudiced against me, none of that stuff.

9 Lucas Kerley, on the other hand, you know,  
10 told them to their face that perhaps they are because  
11 they weren't willing to invite me on certain calls and  
12 so forth.

13 Q. You're talking about Lucas Kerley telling  
14 Breaux Petroleum as you described earlier?

15 A. Yes.

16 Q. Okay. Do you recall the name of any other  
17 sales representative with Breaux Petroleum who failed to  
18 invite you to client meetings other than George Leiato?

19 A. I mean, I've requested -- like I said, Clayton  
20 Rougeou was pretty much the main one that I worked with.

21 Q. And you said you had no problems working with  
22 him or having him invite you along to visit with new  
23 opportunities, correct?

24 A. That's correct.

25 Q. Okay. So my question is sitting here today,

1 and I know it's, you know, been a year or two, can you  
2 recall the names of any other sales representatives with  
3 Breaux Petroleum besides George Leiato that did not  
4 invite you along to meet with new opportunities or to  
5 visit with clients?

6 A. Let's see, I think -- there were a couple  
7 others. I remember --

8 Q. Can you remember any of their names?

9 A. I do remember, let's see, the guy's name was  
10 Tony. What was Tony's last name? I can't remember  
11 Tony's last name. There was also a Dale Leftwich.

12 Q. Adelle? Is that a female?

13 A. No, I'm sorry. I'm saying there is a Dale.  
14 It's D-A-L-E, just Dale.

15 Q. Dale Leftwich?

16 A. Yeah, Leftwich.

17 Q. Besides George Leiato, Tony whose last name you  
18 can't remember and Dale Leftwich, can you remember the  
19 names of any other Breaux Petroleum sales reps who did  
20 not invite you to attend meetings with -- with new  
21 opportunities or client accounts?

22 A. There were another one or two. I don't recall  
23 their names.

24 Q. Did you have any discussions with Mike about  
25 any of the other sales representatives not inviting you

1 along to meet with new oppor -- new client accounts or  
2 new opportunities?

3 A. Yes. Yeah, I did talk to Mike, the sales  
4 manager, about it and he would, you know, share with me  
5 the focus of different reps or the challenges -- their  
6 chal -- their incompetencies but --

7 Q. Did Mike ever give you any explanation with  
8 respect to Tony or Dale or any of his other sales reps  
9 as to why they did not bring you along to meet with new  
10 clients or new opportunities?

11 A. I don't remember verbatim.

12 Q. Do you remember generally Mike -- you know, any  
13 explanation that Mike gave you with respect to reasons  
14 that Tony, Dale Leftwich or other sales representatives  
15 weren't bringing you along to those meetings?

16 A. I would have to hypothesize, you know. Like  
17 they might have said something, I don't know, like you  
18 know they have a lot of priorities. The sales cycle is  
19 very long. That is one thing about my line of business  
20 when you do industrial lubricants, it can take two to  
21 three years -- you know, long time to -- long sales  
22 cycle to gain the business. It's a long process.

23 Q. Okay.

24 A. I didn't know if you knew that but that's --  
25 yeah, it takes a long time for a plant to make a

1 decision.

2 Q. Okay.

3 A. Yeah.

4 Q. So, you know, you told me earlier about Mike  
5 making a comment about the reasons why George Leiato  
6 wasn't bringing you along and that Mike's explanation  
7 was that he was old school. I guess what I'm trying to  
8 ask, Mr. Williams, is do you recall any other  
9 conversations with respect to these other Breaux  
10 Petroleum sales reps where Mike, you know, gave you an  
11 explanation as to why these individuals weren't bringing  
12 you along for sales calls?

13 A. It was just general commercial language. Like,  
14 you know, they have a lot of priorities. They're trying  
15 to hit their goals. You know, it takes awhile to land  
16 business so they're focused on selling fuel and other,  
17 you know, additives to make money.

18 Q. Okay. Mr. Mike with Breaux Petroleum never  
19 stated that these individuals were old school or were  
20 prejudiced or were discriminating against you, did he?

21 A. No, no. No.

22 Q. Okay. I'd like to talk briefly about the  
23 situation you mentioned last week with Holly Burns.

24 A. Okay.

25 Q. I think you told me that Holly Burns is an



1 individual who you believe discriminated against you  
2 during your employment with Shell?

3 A. That's correct.

4 Q. And I think you said your belief about that was  
5 based on an incident that you described in your EEOC  
6 charge where you were at a reception or a meeting  
7 shortly after you began working for Shell?

8 A. Yes.

9 Q. Can you tell me about that situation, please?

10 A. Absolutely. I had started working with Shell  
11 the week prior to this like sales kick-off meeting that  
12 was in Houston. I recall, you know, with my new  
13 supervisor, Eric Boydstun -- it was February, Black  
14 History Month, and, you know, being an African-American  
15 mechanical engineer from Tuskegee University, a  
16 historical black college university, I was sharing -- we  
17 were having dinner the night before and I was sharing  
18 about black inventors like George Washington Carver, the  
19 peanut and sweet potato, all his inventions. Garrett  
20 Morgan and the gas mask, traffic light. Lonnie Johnson  
21 with the Soap Soaker. He was like, "Wow, man, I didn't  
22 realize African-Americans invented all these things."

23 Q. And who were you sharing this with?

24 A. My supervisor, Eric Boydstun.

25 Q. Okay.

1           A. Yeah, yeah. And there were a couple others at  
2 the table. So the next day when I -- they have me  
3 introduce myself in front of the -- you know, the sales  
4 audience, "This is Carl Williams, new to Shell. Spent  
5 ten years with Exxon." You know, and -- and during that  
6 introduction -- introductory period I -- I said, "Hey,  
7 you know, I was asked to share since it's Black History  
8 Month, little known facts about some prominent  
9 African-American inventors." And I shared, you know,  
10 kind of what I shared with you. And it was like very  
11 well received the way I presented myself and so forth.

12                       And also there was another event where  
13 Jesus asked the audience, he said, "We need to come up  
14 with a theme song. Choose a song to kind of capture the  
15 spirit of the new growth and what we want to change for  
16 this year." And myself and Steven Stack and another  
17 young lady we selected like "Ain't No Mountain High  
18 Enough" and we all got up and sung.

19                       So I was very comfortable, you know, out of  
20 the gate with Shell. You know, I knew people that were  
21 there from Exxon. I felt very welcomed, you know, as a  
22 an experienced sales professional. And within my first  
23 week I wasn't the typical timid employee. I was giving  
24 Black History facts, up there singing, like I've been  
25 there and just, you know, like family almost. It's was

1 very comfortable.

2 And so because of that that evening Holly  
3 Burns and there was another lady like -- as I was  
4 standing around talking with others she's like, "Hey,  
5 you know, you're very cocky. Like arrogant. Like  
6 cocky, arrogant."

7 I was like, "Excuse me?"

8 She said, "Yeah. Like you just started  
9 with the company and you got to earn your stripes."

10 I said, "Earn my stripes? What? Excuse  
11 me?"

12 And she got really loud and I was asking  
13 questions. I'm like oh, my God and it caused a scene.  
14 It caused, yeah, a scene and it did not look good for me  
15 within my first week of employment.

16 Q. You said -- so other than her -- Ms. Burns  
17 saying you were very cocky, you were very arrogant,  
18 you've got to earn your stripes, do you recall her  
19 saying anything else during that incident?

20 A. Not verbatim. Like I don't recall any racial  
21 epithets or anything like that, you know.

22 Q. She didn't call you any kind of racial names  
23 or, you know, use the N word or anything like that?

24 A. No, I do not recall her doing that.

25 Q. Okay. Do you recall her saying anything else

1     besides the cocky, arrogant and earn-your-stripes  
2     comment?

3           A.   I don't recall what else she said during that  
4     -- during that period.

5           Q.   Okay.

6           A.   I just know --

7           Q.   You started asking questions.   Do you recall  
8     what questions you asked her?

9           A.   I was just like -- like when she made that  
10    comment I said, "Excuse me?   I don't understand."  
11    Like -- and then, you know, she got really loud and then  
12    -- and then I walked away.

13                   And the next day my supervisor, Eric  
14    Boydston, and Damon who is a black sales manager they  
15    pulled me aside into a room.   "Carl, you know, we heard  
16    about the incident last night.   You know, the incident  
17    with you and Ms. Holly Burns and, you know, she said  
18    something that you said."

19                   And I was like, "I didn't say anything.  
20    Like she confronted me and said I was, you know, cocky  
21    and arrogant, need to earn my stripes and all this and  
22    that and she got really loud."

23                   And, yeah, they were like, "Well, Holly and  
24    the other, you know, white female employee, you know,  
25    they said this and that."

1                   And it was just -- I was like man, just  
2   throw me under the bus my second week here at Shell  
3   because I was an experienced employee I guess, you  
4   know...

5           Q.   So she accused you of saying something to her  
6   that offended her?  And I'm talking about Holly when I  
7   say "her."

8           A.   I don't recall what she said but she made it  
9   seem like I instigated or like -- I didn't even approach  
10   her.  You know, I didn't really know -- I didn't know  
11   her.  I was a new employee.

12          Q.   Okay.

13          A.   Yeah.  So she -- she tried to say that I said  
14   something or something like that but she was  
15   (inaudible).

16          Q.   So she said that you said something to her that  
17   offended her?  Is that -- is that what she claimed about  
18   the incident?  I'm sorry, did you hear me?

19          A.   Yeah, I did.  I don't recall verbatim what she  
20   said she just said like, "Carl, you know, said  
21   something" or -- I don't remember they said something  
22   about my phone but -- I really don't recall her excuse  
23   but I just know she tried to blame me for the verbal I  
24   guess confrontation.

25          Q.   Okay.  And you said that your manager, Eric

1     Boydstun, spoke with you about the incident the next  
2     day?

3           A.   Yeah, it was Eric, my immediate supervisor, and  
4     another African-American supervisor, his name was Damon.  
5     They -- they both pulled me aside, pulled me in a room  
6     and just like, "Carl, you know it doesn't look good.  
7     You know, you just started with the company. You know,  
8     you've really got to be careful. You know, you want to  
9     make a good impression with the company, get people to  
10    know you. It's not a good look coming out the gate."

11          Q.   What did you tell Eric and Damon when they  
12    pulled you aside?

13          A.   I told them what -- what transpired, what Holly  
14    and how she engaged me, the comments that she made and,  
15    you know, got really loud and caused a scene.

16          Q.   Did you tell them anything else besides the  
17    comments that we discussed earlier that she made and  
18    that she got loud and made a scene?

19          A.   Yes -- no, I didn't -- I don't recall saying  
20    anything else other than her behavior and the words that  
21    she expressed.

22          Q.   Okay. Those words were that you were cocky,  
23    arrogant and needed to earn your stripes?

24          A.   That's what I remember.

25          Q.   Okay. And that's what you remember telling

1 Eric and Damon as far as what Holly's comments were?

2 A. That's correct.

3 Q. Okay. What did -- what did Eric and Damon tell  
4 you?

5 A. I -- I just said that. They were like -- they  
6 said, "Carl, you know, it's just -- it's not a good  
7 look. You know, you want to make a good impression.  
8 We're really glad to have you on board. You know, we're  
9 really excited, you know, you helping the business grow,  
10 and you're going to deliver for us but, you can't have  
11 any more incidents like this. You know, it's not a good  
12 impression. You want to make a good impression. This  
13 is your first year with the company to, you know, really  
14 showcase your experience, your intelligence, your  
15 personality and just, you know, don't let something like  
16 this happen again."

17 Q. Did they say anything else?

18 A. Not that I recall.

19 Q. Did you have any conversations or discussions  
20 with anyone else at Shell about this -- this incident  
21 with Holly Burns?

22 A. I shared it. You know, I was close to Steven  
23 Stack. I might have shared it with another person or  
24 two.

25 Q. Do you recall sharing it with anyone -- anyone

1 else?

2 A. I know I shared it with Steven Stack. I might  
3 have mentioned it to Tamika, I don't recall. But that's  
4 all I can really recall on that.

5 Q. Did you ever make any complaints to HR or any  
6 other members of Shell management about the incident  
7 with Holly Burns?

8 A. Absolutely not.

9 Q. Okay. And it's my understanding that you sent  
10 her an apology after the incident; is that correct?

11 A. I -- I believe I might have. I don't remember  
12 if it's immediately after the incident but I tried to  
13 come to good terms with her.

14 Q. Okay.

15 A. I do -- I do think there was an e-mail.

16 Q. Okay.

17 A. There was an e-mail and a phone conversation.

18 (Exhibit 5 was marked for identification.)

19 Q. (BY MS. JAMES) And we're going to mark this  
20 document labeled as Equilon 433 as Exhibit 5. And I  
21 just want you to take a look at that and let me know if  
22 that's a copy of the e-mail apology that you sent to  
23 Ms. Burns after the incident.

24 A. Okay.

25 VIDEO OPERATOR: Sorry, you just sent this



1 to me directly. This is the videographer.

2 MS. JAMES: Oh, okay. Oh, me to everyone.  
3 I don't know why -- okay. Thank you for that. I just  
4 sent it again.

5 THE WITNESS: Yes. This -- I would have --  
6 this does look like an e-mail that I sent.

7 Q. (BY MS. JAMES) Okay. And earlier last week  
8 when we talked, Mr. Williams, you mentioned a lady by  
9 the name of Tracie Haygood and I just want to recall,  
10 you're not able to recall what her specific role was  
11 with Shell when she worked for Shell, are you?

12 A. It may come to me.

13 Q. And you -- okay. Do you recall who her manager  
14 was?

15 A. I do not.

16 Q. All right. Well, just let me know if you're  
17 able to think about -- if you are able to remember what  
18 her role was at this point during the deposition.

19 And last week you -- you provided a copy of  
20 an e-mail that Ms. Haygood sent you after your  
21 employment with Shell ended that looks like it was sent  
22 to you around the time you had the resolve mediation  
23 with Shell. Do you have any other e-mails or written  
24 statements by any other individuals you would consider a  
25 witness with respect to the allegations you're making

1 against Shell in this litigation?

2 A. I do not have any other e-mail from any of the  
3 Shell employees.

4 Q. Do you have any other like, you know, typed up  
5 or written statements that any witness has signed in  
6 connection with this case?

7 A. I -- I do not recall having any other written,  
8 no.

9 Q. Okay. Go ahead.

10 A. I was going to say, I just checked LinkedIn.  
11 Tracie Haygood, her title is North America commercial  
12 manager.

13 Q. Okay.

14 A. With the agriculture sector.

15 Q. Okay. And you're getting that off of LinkedIn?

16 A. Yes, ma'am.

17 Q. Okay. I want to just show you -- you earlier  
18 you told me about a situation with O'Rourke Petroleum  
19 where O'Rourke -- and I believe this was last week we  
20 discussed this -- O'Rourke made a complaint about you to  
21 Mr. Puvilland; is that correct?

22 A. That's correct.

23 Q. Okay. I just want to confirm.

24 (Exhibit 6 was marked for identification.)

25 Q. (BY MS. JAMES) Let me show you what I'm

1 marking as Exhibit 6. Let me know if you've got it.  
2 It's Bates-labeled Equilon 59.

3 A. Okay, I do recall this e-mail.

4 Q. So Exhibit 6 is a copy of an e-mail that  
5 Mr. Puvilland sent to you following this incident with  
6 O'Rourke Petroleum?

7 A. Yes.

8 Q. Okay. And it looks like Mr. Puvilland is  
9 giving you a couple of instructions following that  
10 incident. One of them is that he tells you that until  
11 further notice you're not to have any further  
12 communications with O'Rourke; is that correct?

13 A. That's correct.

14 Q. Okay. It also looks like he's asking you for  
15 an account -- or your account of what happened that  
16 upset O'Rourke that caused them to make a complaint  
17 about you to Shell; is that correct?

18 A. That's correct.

19 Q. And you recall providing that written  
20 statement?

21 A. Yes.

22 (Exhibit 7 was marked for identification.)

23 Q. (BY MS. JAMES) I just want to show you a copy  
24 of what we'll mark as Exhibit 7 and just confirm for me  
25 if this is a copy of the written statement that you

1 provided to Mr. Puvilland pursuant to his request.

2 A. It's not showing my comments. Oh, it was a  
3 Word document.

4 Q. So I think -- so I think maybe -- let's see.  
5 Okay, so I think I just sent you the e-mail.

6 A. Right.

7 Q. This is the Word document attached to the  
8 e-mail, Exhibit -- I'm sorry, the document marked as  
9 Equilon 1284 through 1286.

10 THE REPORTER: Did you want that to be  
11 Exhibit 8?

12 MS. JAMES: So what I was going to do is I  
13 was going to say, Wendy, this -- that exhibit is all  
14 Exhibit 7. It's going to be Equilon -- for the record  
15 Equilon 1283 through 1286. Equilon 1283 is an e-mail  
16 and then Equilon 1284 through 1286 is an attachment to  
17 the e-mail and all of that would be Exhibit 7.

18 THE REPORTER: Thank you.

19 Q. (BY MS. JAMES) So, Mr. Williams, can you just  
20 confirm for me that what we've marked as Exhibit 7 is  
21 the e-mail and the Word attachment that you prepared in  
22 response to Mr. Puvilland's request that you send him  
23 your account of what occurred at O'Rourke?

24 A. I'm sorry, what was the question?

25 Q. So I've just sent you a couple of documents in

1 the Chat.

2 A. Yes.

3 Q. And those documents are marked Equilon 1283  
4 through 1286 at the bottom.

5 A. Okay, I'm looking for 1286. Is that a part of  
6 84?

7 Q. Yes.

8 A. Okay, yes, yes. I did craft this e-mail  
9 document. I do confirm it.

10 Q. Okay. Equilon 1283 through 1286 which we've  
11 marked as Exhibit 7 is a copy of the e-mail you sent and  
12 the Word document you drafted giving your account of  
13 what happened with O'Rourke?

14 A. That's correct.

15 Q. My understanding was that O'Rourke's  
16 complaint was that -- part of its complaint was that you  
17 had brought up another distributor during a client  
18 meeting; is that correct?

19 A. It wasn't during the client meeting. We had  
20 lunch and I was -- we were debriefing, myself and  
21 another employee, Adrian na, we were just talking about,  
22 you know, how the meeting went, you know, next  
23 opportunities, working together and I was sharing that  
24 Shell had a new campaign and approach to expanding the  
25 industrial lubricants business by utilizing RelaDyne

1 Reliability Services which is -- which is a separate  
2 company an entity that RelaDyne Lubricants Distribution.  
3 And so Shell was really promoting, you know, to utilize  
4 them nationwide. They were -- so the way reliability  
5 worked is they provide technical support and they can  
6 work alongside any distributor: you know, Shell and  
7 whomever. And so they're a support service function.  
8 They're not like competitors.

9                   So I was asking Mr. Scott Field, I said,  
10 "Hey, you know, Shell has this new campaign and  
11 agreement with RelaDyne Reliability Services with their  
12 technical expertise and what they can offer." And I  
13 said, "You know, I understand they're a service  
14 division. They're a stand-alone company which is  
15 different than their lubricants business and which  
16 O'Rourke competes against."

17                   And he said, "Carl, I would never like, you  
18 know, work with them. You know, they stole some of my  
19 business," and this and that and, you know, he was  
20 really ticked off about it. He did not mention -- I'm  
21 sorry?

22                   (Exhibit 8 was marked for identification.)

23           Q. (BY MS. JAMES) Okay. Now, I wanted to show  
24 you a copy of an e-mail that I'm going to show you  
25 marked as Equilon 165 and 166 which we'll attach as

1 Exhibit 8. Are you familiar with the e-mail that's  
2 marked as Exhibit 8 which is Equilon 165 and 166?

3 VIDEO OPERATOR: Looks like we lost him.  
4 Would you like to go off the record?

5 MS. JAMES: Yes.

6 VIDEO OPERATOR: Recording stopped.

7 (Recess taken from 12:31 p.m. to 12:31 p.m.)

8 VIDEO OPERATOR: We're back on the video  
9 record. It's 12:31 p.m.

10 THE WITNESS: Okay, what was the question?

11 Q. (BY MS. JAMES) I was just asking -- well,  
12 first off, is Exhibit 8 which is Equilon 165 through  
13 166, is that a copy of an e-mail that you sent with  
14 respect to O'Rourke Petroleum?

15 A. Yes, this is an e-mail that I had sent in  
16 regards to visiting an account, that's correct.

17 Q. And the account that you visited with O'Rourke  
18 Petroleum, is that High Roller Sand?

19 A. Yes.

20 Q. Okay. So that -- High Roller Sand would have  
21 been a potential client of O'Rourke Petroleum and an end  
22 client of Shell; is that correct?

23 A. Yes, that would have been -- that's correct.

24 Q. Okay. And you attended a meeting with O'Rourke  
25 and High Roller Sand in or around January of 2020

1 according to this e-mail; is that correct?

2 A. That's correct.

3 Q. Okay. What is POPSAS, P-O-P-S-A-S, that's  
4 referenced in this e-mail?

5 A. It's a -- it's an acronym but it is basically  
6 you complete a document -- it's like the purpose,  
7 opportunity, solutions -- you basically write down what  
8 you know about the account, who are the stakeholders,  
9 it's like background information on the account, what  
10 are you looking to achieve, what do you anticipate being  
11 the obstacles, what do you think your value proposition  
12 is. So it's like a questionnaire that helps prep you on  
13 the account and opportunity based upon what you can find  
14 out.

15 Q. Okay. The incident described in this e-mail  
16 chain, Mr. Williams, this is different from the incident  
17 that we just discussed that resulted in O'Rourke asking  
18 that you no longer be on their account?

19 A. Yeah, this is a different account. Different  
20 time period.

21 Q. Okay. It's still -- it's still working with  
22 O'Rourke but it's for a different end client, High  
23 Roller Sand?

24 A. Yes.

25 Q. Okay. And is -- it looks like you're saying



1     that you didn't -- that you're accepting responsibility  
2     to make sure that you have better POPSASs and pre-call  
3     information with all of my distributors moving forward.  
4     Do you see that?

5             A.   Yes, that's correct.

6             Q.   Okay.  So was there a visit with High Roller  
7     Sand where you didn't have complete pre-call information  
8     before you went out to visit the account?

9             A.   So I was working with a new sales manager,  
10    Scott Fields, you know, it would have been his  
11    counterpart out of West Texas.  Well, he's actually  
12    based out in Dallas.  And so I had phone conversations.  
13    Before I made this -- this visit -- because this is in  
14    the Midland-Odessa area -- I guess it was back in  
15    December Jarrett Enochs, you know, who also works with  
16    O'Rourke, he -- you know, he works for Shell.  He  
17    supports O'Rourke from a business standpoint.

18                   He said, "Carl, you know, O'Rourke has this  
19    opportunity that they want you to join them out of West  
20    Texas, you know, early next year."  And he's like, "You  
21    know, they want your support.  You know, engage with the  
22    sales manager to, you know, uncover, you know, the  
23    opportunity and see how you can support them."

24                   So this is during the holiday period, like  
25    December, and this is my -- this is my first time

1     working with -- what's the name of this guy? I think  
2     it's in the e-mail. Let's see, High Roller -- I don't  
3     see his name. I think his name is Justin, if I'm not  
4     mistaken. So he was a new sales manager and we spoke on  
5     the phone -- yeah, it is Justin -- to -- about  
6     opportunities to kind of maximize my visit because I  
7     guess one of the things you kind of -- you have to  
8     consider is that they -- they know the marketplace.  
9     They have a local sales rep out there, you know, who  
10    calls on these accounts and so they have the background  
11    information. I was tagging along with them. So I  
12    didn't have a direct relationship with this account  
13    so --

14           Q. You're talking about High -- the High Roller  
15    Sand?

16           A. Yes, yes. So, you know, if they don't tell me  
17    -- if they're not willing to share -- you know, it's --  
18    I'm the assistant, you know, that comes along to help  
19    whoever is representing Shell so it's kind of  
20    challenging for me to really, you know, take lead on  
21    when I have to depend on them because they have the  
22    connection. They're the ones that manage the relation,  
23    I'm just a support person. But in this e-mail I just,  
24    you know, wanted to say, "Hey, you know, I take, you  
25    know, responsibility for making sure that I help my

1 distributors do a better job at helping me because this  
2 is my first time working with the sales manager, working  
3 in this market." And I was asked to go and support them  
4 and -- by -- by Jarrett to support this new sales  
5 manager but they -- they didn't really have a good  
6 footprint analysis on their marketplace. I mean, the  
7 account that we went to, like one of the them was an  
8 existing Shell account that they didn't -- they didn't  
9 even know so it was -- it was probably one of the  
10 poorest visits I've ever engaged with a distributor  
11 throughout my career. I mean, including Exxon and  
12 Shell.

13 Q. Okay.

14 A. Yeah.

15 Q. But it looks like Xavier is saying in the  
16 middle of the page that, you know, it was his belief  
17 that there was some improvement that you guys could make  
18 on your end, too, as far as being better prepared for  
19 these meetings; is that correct?

20 A. You said he made a suggestion that we could be  
21 better prepared?

22 Q. Yeah. I mean, it looks like in his e-mail,  
23 Xavier's e-mail --

24 MR. HODGES: Objection. He can read the  
25 e-mail verbatim as to what it's speculating.

1 THE WITNESS: Yeah, can you please read the  
2 exact sentence?

3 Q. (BY MS. JAMES) Yeah, I'm looking at Xavier's  
4 e-mail right underneath yours. "Carl, Clearly a miss on  
5 our end as well, the right quality of POPSAS would have  
6 caught this mismatch ahead of time, we need to improve  
7 this on our end too." Do you see that?

8 A. I do see that.

9 Q. Okay. And your response to him was that you  
10 would make sure that you were better prepared for the  
11 meetings and engagements before moving forward.

12 MR. HODGES: Objection: misstating  
13 testimony.

14 Q. (BY MS. JAMES) Is that your response,  
15 Mr. Williams?

16 A. I missed what you said. Attorney Eddie was  
17 speaking as well.

18 Q. Okay.

19 MR. HODGES: Yeah, the objection  
20 (simultaneous speaking) --

21 Q. (BY MS. JAMES) I'll re ask it. So your  
22 response at the top of the page, Mr. Williams, your  
23 e-mail there is in response to Mr. Xavier's e-mail just  
24 below it, correct?

25 A. Let me see. Because mine is at the top so mine

1 was the 14th at 7:00 at night and Mr. Xavier's it looks  
2 like his was before mine. Yes, so this would have been  
3 my response to his e-mail which, I mean, if you look at  
4 it, it looks -- we had a discussion about it. There was  
5 shared responsibility between myself and Jarrett who is  
6 an experienced Shell employee who managed the  
7 relationship with O'Rourke and, you know, Xavier is  
8 saying, "Carl, a miss on our end as well." So it was  
9 like shared responsibility between O'Rourke, Jarrett and  
10 myself, like a collective miss, and, you know, I being a  
11 person who takes ownership of my -- my business and  
12 account and doing the best that I can do, I just, you  
13 know, chose to take ownership of the situation.

14 Q. Okay.

15 A. Opposed to say, "Hey, it ain't my fault. They  
16 did it. Jarrett told me," and all that, you know,  
17 he-she stuff finger pointing.

18 Q. Okay.

19 (Exhibit 9 was marked for identification.)

20 Q. (BY MS. JAMES) I'm going to show you a copy of  
21 what's marked as Equilon 1068 and we'll mark this as  
22 Exhibit 9 to your deposition.

23 MR. HODGES: Can I request the time -- how  
24 much time is left?

25 MS. JAMES: We can go -- let's go off the

1 record.

2 VIDEO OPERATOR: We are going off video  
3 record. The time is 12:41 p.m.

4 (Recess taken from 12:41 p.m. to 12:52 p.m.)

5 VIDEO OPERATOR: On the video record. It  
6 is 12:52 p.m.

7 Q. (BY MS. JAMES) Mr. Williams, did you have an  
8 opportunity to look at Equilon -- with the documents  
9 that's Bates-labeled Equilon 1068 through 1071?

10 A. I'm almost finished. I think if you give me  
11 about two minutes, I'll be done.

12 Q. Okay. We're going to mark that as Exhibit 9.

13 A. Okay, I'm ready.

14 Q. I just -- I wanted to confirm that Exhibit 9  
15 includes e-mails that you exchanged with the manager,  
16 Mr. Puvilland, in connection with performance feedback  
17 that he had provided you in the fall of 2019 it looks  
18 like. Is that correct?

19 A. That's correct.

20 Q. Okay. And if you look, there's an e-mail from  
21 Mr. Puvilland to you dated October 31st, 2019, that  
22 starts at the bottom of Equilon 1068 and goes on to the  
23 next page and concludes on Equilon 1069. Do you see  
24 that?

25 A. On 1069. Okay, I see it.

1 Q. Okay. And this is an e-mail that Mr. Puvilland  
2 sent to you on October 31st of 2019?

3 A. Yes, that's what the e-mail shows.

4 Q. Okay. In this e-mail he's discussing various  
5 issues and topics related to your performance; is that  
6 correct?

7 A. That's correct.

8 Q. Okay. And you don't dispute that this is an  
9 e-mail that Mr. Puvilland sent to you?

10 A. I do not dispute it. I concur that this is an  
11 e-mail that he sent to me. I mean, the chain also  
12 contains the e-mails that I sent to him. I mean, it's a  
13 chain of various e-mails and dates all in regards to the  
14 EYR. That stands for end-year review. So this is like  
15 a performance feedback.

16 Q. The end-year review is what EYR stands for in  
17 the subject line you said?

18 A. Yes, ma'am.

19 Q. Okay. And in your review the review refers to  
20 a review of your performance; is that correct?

21 A. Yes, ma'am.

22 (Exhibit 10 was marked for identification.)

23 Q. (BY MS. JAMES) And then I'm going to show you  
24 what we'll mark as Exhibit 10 which is labeled as --  
25 Bates-labeled as Equilon 73 and 74. Did you get that,

1 Mr. Williams?

2 A. The one, 73?

3 Q. Yes, sir, Equilon 73 and 74 which we'll mark as  
4 Exhibit 10.

5 A. Yes.

6 Q. Are you familiar with that e-mail?

7 A. Let me take a look at it. Yes, I do recall.  
8 Yep, looks good.

9 Q. What is Exhibit 10, Mr. Williams?

10 A. I'm sorry, you said what is Exhibit 10?

11 Q. Yes.

12 A. Oh, okay, I see. So Exhibit 10 was this  
13 document Equilon, yeah, 73 so --

14 Q. Yes, 73 and 74.

15 A. -- this represents a collaborative effort  
16 between Xavier and myself on what information he's going  
17 to put into the system that articulates his views on my  
18 performance.

19 Q. So this is his, Mr. Xavier's, comments on your  
20 performance in January of 2020, correct?

21 A. Uh-huh.

22 Q. Is that correct?

23 A. Yeah, this -- yeah, this is indicative of my  
24 performance for 2019.

25 Q. Okay.



1           A. And the time stamp is from I guess my start  
2     date which was, what, I think Martin Luther King's  
3     birthday, January 18th of 20 -- yeah, '19 up until  
4     November 1st. So 11 months with the company this is my  
5     performance I guess review. Not even like a full year.  
6     Like I said, as you saw we had the year-end review like  
7     at the end of October.

8           Q. Okay. So this review -- this review in Exhibit  
9     10 was provided in January of 2020?

10          A. That's correct.

11          Q. Okay. And it looks like Mr. Puvilland the  
12     first e-mail which is on the last page, Equilon 4,  
13     Mr. Puvilland sent you his comments on your performance  
14     for the 2019 year. Do you see that?

15          A. Which -- which page or what did you say, the  
16     bottom?

17          Q. Equilon 74.

18          A. Let me maximize the screen.

19          Q. It's the second page.

20          A. I see it now. Yes.

21          Q. Okay. So Equilon 74 is an e-mail Mr. Puvilland  
22     sent to you with his comments for your performance in  
23     2019; is that correct?

24          A. That's correct.

25          Q. Okay. And then it looks like at the bottom of

1 Equilon 73 you suggested some changes to his comments;  
2 is that correct?

3 A. That's correct.

4 Q. Okay. And at the top of page 73 it looks like  
5 he sent you an e-mail back where he accepted some of  
6 your changes and made some additional changes to his  
7 comments on your performance for the 2019 year; is that  
8 correct?

9 A. That's correct.

10 Q. Earlier, Mr. Williams, you mentioned that when  
11 you first started working with Mr. Puvilland you guys  
12 had monthly meetings called MILOs; is that correct?

13 A. Yeah, when I first got started, as -- as a  
14 team, Xavier had all of the BDMs to book time on his  
15 calendar where we would check in once a month and that  
16 was like the first couple of months and then I guess by  
17 the third month of working with him or so or somewhere  
18 in that timeframe it became opposed to checking in once  
19 a month it became every week and this is something that  
20 all employees did.

21 Q. Okay. And what were y'all -- what was he  
22 checking in on with you about in these MILO and then  
23 ultimately that changed to the WILO meeting? What  
24 things were y'all discussing?

25 A. All account managers, he did this with all of

1 us and so we would share where the opportunities are,  
2 where we're going to be spending time for the week, what  
3 we're looking to achieve for the week, where we need  
4 support. But it was more so like, "What are you working  
5 on? What are you doing to gain business? You know, how  
6 can I support you?"

7 Q. Now, he would have these meetings one on one.  
8 I understand that you're saying that he -- Mr. Puvilland  
9 met with other business-development managers in the same  
10 fashion having these MILO and WILO meetings with them  
11 but with respect to you he had these meetings with you  
12 one on one; is that correct?

13 A. Yeah, all of these are one on one. I guess my  
14 point is like this was standard. Like this is not  
15 individual performance coaching and I find that  
16 misleading. "Oh, I gave Carl coaching." No, this is a  
17 standard business practice that you do with all  
18 employees.

19 Q. Okay. So did he discuss with you in those  
20 meetings opportunities or his expectations for, you  
21 know, areas where you needed to improve and what you  
22 needed to work on?

23 A. Yeah, there were -- there were -- in doing some  
24 of them, you know, there were things to work better and  
25 others, you know, there was -- you know, there was some

1 good stuff. "Hey, Carl, you're doing well in these  
2 areas. You know, keep up the work here. I'm noticing  
3 improvement." You know, even when you read the end-year  
4 review, you know, one --

5 Q. Well, so you're talking about what we just  
6 talked about a few minutes ago, Mr. Williams, the  
7 end-of-year review?

8 A. Yeah.

9 Q. Okay. Well, I just wanted to ask you about the  
10 MILO and the WILO meetings which were the monthly  
11 meetings where Mr. Puvilland sat down with you and  
12 talked to you about areas in which you were doing good  
13 and then areas for improvement and opportunity. And  
14 it's my understanding that at first those meetings were  
15 happening on a monthly basis and they were called MILO,  
16 M-I-L-O. Is that correct?

17 A. That's correct.

18 Q. And then those meetings were happening on a  
19 weekly basis and they were called YILO, Y-I-L-O; is that  
20 correct?

21 A. That's correct.

22 Q. Did Mr. Puvilland like often send you e-mails  
23 following up those meetings just like a little recap of  
24 what was discussed during those meetings?

25 A. Yes. So --

1 Q. Okay. Let me -- so I only have a few minutes,  
2 Mr. Williams, left so I just want to make sure I get all  
3 of my questions in.

4 My understanding is that Mr. Puvilland  
5 expressed to you -- well, let me -- I'm going to show  
6 you an e-mail that we'll mark as Equilon 1184. I'm  
7 sorry, we'll mark it as Exhibit 11 but it's labeled  
8 Equilon 1184.

9 (Exhibit 11 was marked for identification.)

10 Q. (BY MS. JAMES) Did you get a copy of what I  
11 sent in the chat that's marked Equilon 1184 and then  
12 there's a second page marked 1185?

13 A. Yes, it's opening now. "Thanks, making good  
14 progress. Midtex..." Okay, yeah, I'm ready.

15 Q. Are you familiar with Exhibit 11 which is  
16 Equilon 1184 and 1185?

17 A. I mean, it looks familiar. It looks like  
18 something we discussed and shared.

19 Q. The subject line is "Path to \$1.5M."

20 A. Yes.

21 Q. What is that referring to?

22 A. That's like a sales goal, a revenues to grow  
23 the business for me as an individual.

24 Q. Okay. So it's like a revenue goal for new  
25 business?

1 A. Yeah, like a target.

2 Q. Business revenues? Okay. And was that a goal  
3 that you and Mr. Puvilland discussed at you being able  
4 to grow new business or bring in new business revenues  
5 of \$1.5 million?

6 A. I don't recall like if that was my specific  
7 objective. I would have to look at my objectives but I  
8 know it was to grow and, you know, of course perform and  
9 have the company made money but...

10 Q. Yeah, and bring in new business as part of  
11 that?

12 A. Yeah, that's correct.

13 Q. Now, earlier you talked about you received a  
14 bonus from Shell in February of 2020?

15 A. That's correct.

16 Q. The bonus you received, would that have been  
17 based on business in 2019?

18 A. Yes.

19 Q. Okay. Are you familiar with bonus amounts that  
20 were received by other business-development managers in  
21 your department?

22 A. We don't share. You know, that's personal.  
23 It's not like public knowledge. I just know Tamika  
24 Greer, she -- she was struggling to get her bonuses and  
25 she was making complaints and I think she had to dispute

1 it and I think she ended up getting her bonus but...

2 Q. You don't know the amount of any bonus she got?

3 A. I do not. I just know that mine was \$23,000

4 for -- for -- for my performance in 2019 because I --

5 you know, I exceeded my sales objectives. You know,

6 that's one thing I like about sales is that the numbers

7 speak for themselves.

8 Q. Did the bonus -- I mean, the bonus that you

9 received, was that based, Mr. Williams, on the total

10 volume of business --

11 A. That's correct.

12 Q. -- your accounts did?

13 A. Yes, and the growth. The growth in revenue and

14 volume. I think I saw I think it was 125,000 gallons I

15 think of new business. It was -- it was stated in one

16 of the --

17 Q. Okay. But the bonus was made on total volume

18 of business, not just new business, correct?

19 A. No, it's based on new business.

20 Q. Okay.

21 A. Yeah, yeah, you get paid based upon how you

22 perform and I had gained 125,000 gallons of new business

23 and that was just during the second half of 2019, you

24 know. I didn't start working with my distributors until

25 June so there's really like just six months of work.

1           Q.   Okay.   And other than -- other than your  
2   hearing that Tamika Greer had complaints about her  
3   bonus, you didn't discuss any amounts that other  
4   employees received in terms of their bonuses, did you?

5           A.   I did not discuss any amounts.   I'm not privy  
6   to what other incentives others received.   I just know  
7   that these are individual performance bonuses, they're  
8   not teams and you had to perform as an individual and I  
9   performed well enough within my short tenure to get a  
10   \$23,000 bonus.

11          Q.   Okay.

12          A.   So the one thing --

13          Q.   Now -- well, let me ask you this, Mr. Williams.  
14   Did you ever make any complaints about discriminatory  
15   treatment or retaliation by Mr. Puvilland or anyone else  
16   at Shell?

17          A.   I did during the Resolve -- well, when I was  
18   terminated I filed a complaint.

19          Q.   Okay.   So after your termination?

20          A.   Uh-huh.

21          Q.   Yes?

22          A.   Yes, ma'am.

23          Q.   Okay.   So prior to your termination you never  
24   made any complaints about discriminatory or retaliatory  
25   treatment by Mr. Puvilland or anyone else at Shell, did



1     you?

2           A.   No, there were no like formal -- yeah, nothing  
3     formal that I submitted to HR.  You know, I would just  
4     chat with my peers about, you know, what's going on, how  
5     we're being treated, are we getting treating the same,  
6     especially the other black employees.

7           Q.   Okay.  But did you complain -- make any  
8     complaints to anyone with management or anyone with HR  
9     prior to termination?

10          A.   No, ma'am.

11          Q.   And then after -- you said after your  
12     termination you submitted a complaint?

13          A.   Yes.

14                (Exhibit 12 was marked for identification.)

15          Q.   (BY MS. JAMES)  Okay.  And I just wanted to  
16     show you a copy of a couple of documents that we'll mark  
17     in global as Exhibit 12 and they are Equilon 517 and 525  
18     and 526.  I just wanted to ask, Mr. Williams, if this is  
19     the copy of the Complaint you submitted after your  
20     termination that you mentioned earlier?

21          A.   I'm just reviewing it.  Okay, I do agree to  
22     sending this.

23          Q.   When you said you made complaints about  
24     Mr. Puvilland after you were terminated, is this what  
25     you -- are these documents what you're referring to?

1 A. Yes.

2 Q. Okay.

3 A. Yeah, this was the written complaint that I  
4 submitted to like I guess the HR system e-mail. You  
5 know, I also shared with them over the phone but...

6 Q. Okay. So you spoke with individuals in Shell  
7 HR about the contents of what's in Exhibit 12 after your  
8 termination as well as submitting these written  
9 complaints to Shell HR?

10 A. Yes. My question -- so when you say Exhibit  
11 12, I don't see exhibit numbers. I just see the --

12 Q. We'll mark that as Exhibit 12 but just so you  
13 are aware, it's Equilon 517 and then 525 and 525 that  
14 we'll mark as Exhibit 12.

15 A. Oh, I see. Okay, yes. I just want to make  
16 sure.

17 Q. Okay. And just so I'm clear, what I've showed  
18 you 517 and then 525 and 526, those are copies of the  
19 complaints that you submitted to Shell HR after you were  
20 terminated?

21 A. I see 526, 525, yes. Did you say 517?

22 Q. Correct. It should have been right before 525  
23 and 526.

24 A. In that same document?

25 Q. No, I sent it just before.

1           A. It didn't open up. It's downloading. That's  
2 the largest file you've sent.

3           Q. It's only a page or two.

4           A. It's seven megabytes. Must be pictures or  
5 something in there unless you put some graphics in  
6 there.

7           Q. I don't think so.

8           A. It's opening. I see. Yep, I agree that I  
9 submitted that.

10          Q. Okay. And is that a copy of the -- you  
11 mentioned earlier that you made a complaint after your  
12 termination to Shell HR about Mr. Puvilland. Is that a  
13 copy of the complaint that you made or are those  
14 documents a copy of the complaint that you made, Equilon  
15 517 and then 525 and 526?

16          A. Yes, yes, this is documentation -- written  
17 documentation of complaints that I've made about  
18 Mr. Xavier Puvilland.

19          Q. Did you make any other complaints to HR after  
20 your termination other than the two written complaints  
21 or the two documents that I've just showed you that  
22 we've marked as Exhibit 12?

23          A. Yes, I did. So there was this one to HR and  
24 then there was another one to the Resolve group.  
25 There's -- what do they call it?

1 Q. Oh, are you talking about you submitted a  
2 request to mediate your disputes through the Shell  
3 Resolve program?

4 A. No, I'm sorry, I misconstrued. It's actually  
5 they have an ombudsman, like Shell ombudsman. They're  
6 like independent. I think the person's name was Miki, I  
7 believe. I made a complaint about the way I was treated  
8 and what took place and -- because they were supposed to  
9 report stuff like that to I guess the country manager or  
10 a very high-level person because he --

11 Q. Okay, go ahead.

12 A. He just -- he just expressed what happened to  
13 me like -- was like he kind of agreed it's unfair and  
14 that's not typically how Shell treats employees and  
15 he's -- you know, he just said he was going to I guess  
16 kind of, what, document like what took place.

17 (Exhibit 13 was marked for identification.)

18 Q. (BY MS. JAMES) I just shared with you a copy  
19 of what is marked as Equilon 1295 to 1297 and we'll mark  
20 it as Exhibit 13 and I just wanted to know if this is --  
21 so you mentioned Miki. Is that the ombudsman that you  
22 were referring to?

23 A. Yes.

24 Q. And is this a copy of the complaint that you  
25 submitted to Miki in Exhibit 13 which is Equilon 1295

1 through 1297?

2 A. Give me one second. Let me just read through  
3 it. Okay, now what was the question?

4 Q. Is this a copy of the complaint that you  
5 submitted to Miki that you were referring to?

6 A. Yes, that's correct.

7 Q. Okay. And this is dated March 19th of 2020 so  
8 that would have been after your termination on March  
9 16th; is that correct?

10 A. That's correct.

11 Q. And, Mr. Williams, do you have a copy of the  
12 documents you produced in this litigation?

13 A. Which -- which document?

14 Q. The documents that are Bates labeled as  
15 Williams 1 through 168.

16 A. Is that something that's on the screen or --

17 Q. No, they're -- I can -- I can send these to you  
18 but let me just send them and then let's go off the  
19 record because it might take you a minute to open them.  
20 I just want to confirm that they're documents that you  
21 produced to us in the litigation. They're the 100 or so  
22 pages. The majority of it looks to be medical record so  
23 I just wanted to confirm that these are records that you  
24 produced. Just one second and I'll send them to you.  
25 Let's just go off the record while that downloads and

1 give Mr. Williams time to download it on his end and  
2 then we'll go back on.

3 VIDEO OPERATOR: Would you like to go off  
4 right now? Okay. We are off the record. The time is  
5 1:21 p.m.

6 (Recess taken from 1:21 p.m. to 1:26 p.m.)

7 VIDEO OPERATOR: We are back on the video  
8 record. It is 1:26 p.m.

9 Q. (BY MS. JAMES) Mr. Williams, did you get a copy  
10 of the documents that you produced I sent you, Williams  
11 1 through 168?

12 A. Yes, I did.

13 Q. It looks like those documents contain medical  
14 records for you from Kingwood Psychiatry. Do you see  
15 that?

16 A. Yes.

17 Q. Can you tell me why you produced these records  
18 in this litigation?

19 A. I'm trying to remember. I think I was asked by  
20 my attorney at the time or something I guess related to  
21 health. I do know that there was emotional stress and  
22 so forth. I think this is perhaps chronology, you know,  
23 kind of during the time period it looks like as I was  
24 employed by Shell just for my health perspective.

25 Q. Okay. So these are copies of records related

1 to psychiatric treatment that you received in connection  
2 with emotional distress that you claim was caused by  
3 Shell?

4 A. There's some of that in here and some, you  
5 know, before the termination.

6 Q. Okay. So some of the records relate to  
7 psychiatric treatment that you received I think prior to  
8 even working for Shell, correct?

9 A. You say prior? I'm looking -- wait a minute.

10 Q. Yeah, so there's records related to treatment  
11 received in 2016, 2017 and, you know, 2018 and I just  
12 want to confirm that that treatment occurred prior to  
13 the time that you were working for Shell, correct?

14 A. Yes, if those are the dates on them, yes.

15 Q. Okay. I mean, what dates of treatment -- what  
16 -- what are the dates of the psychiatric treatment that  
17 you received in connection with the emotional distress  
18 that you claim was attributable to anything that Shell  
19 did?

20 A. I have to go through each one and see. Hold  
21 on.

22 MR. HODGES: This will be the last  
23 question.

24 THE WITNESS: So specifically the day -- I  
25 see a record -- from looking at this file -- let's see,

1 it's page 26 of 153 -- that's what's on top of the  
2 document, the medical notes from my consultation.

3 Q. (BY MS. JAMES) What page is at the bottom?  
4 What number is at the bottom, Mr. Williams?

5 A. Okay, in the PDF it states 41 out of 168 and at  
6 the bottom Williams 41. 0041.

7 Q. Okay. Any other treatment records in here that  
8 relate to treatment you received for emotional distress  
9 you claim to be attributable to anything that Shell did?

10 A. Let me take a look. I mean, I know that one is  
11 definitely. I mean, that was just like two days after I  
12 was terminated. And there's even comments about me  
13 experiencing anxiety. Let's see. They even had to put  
14 me -- yep, had to be on extra medication for anxiety and  
15 medicine to help me sleep which is not a part of my  
16 normal medical intake so this is demonstrative -- so I  
17 realize this is demonstrative of emotional distress and  
18 things that I had to overcome due to what happened to  
19 me.

20 Q. Sure. I was asking you though were there any  
21 other treatment records in here other than the one, that  
22 Williams 0041? Are there any other records related to  
23 treatment you received for emotional distress that you  
24 attribute to anything that Shell did?

25 A. Not that I can see at this time. Just the one



1     that I highlighted.

2                   MS. JAMES:   Okay.   Pass the witness.

3                   MR. HODGES:   Thank you.   Mr. Williams, do  
4     you need a break or anything or do you want to just go  
5     straight through?

6                   THE WITNESS:   Let's go straight through,  
7     man.

8                                   EXAMINATION

9           Q.   (BY MR. HODGES)   All right.   Just as, you know,  
10   we already mentioned before, if you could just allow me  
11   to answer -- or to ask my question before you answer.   I  
12   know sometimes I may talk too fast.   If you can't get a  
13   question or if you need me to clarify, just ask.

14                   So just to start it off, when was your hire  
15   date again?

16           A.   On Martin Luther King's birthday, January 18th,  
17   2019.

18           Q.   Okay.   And your position throughout your  
19   position through -- what was your position throughout  
20   your employment?

21           A.   I was considered the indirect panel  
22   business-development manager.

23           Q.   And as the business development manager or BDM  
24   what was your -- your role?

25           A.   My role was to help my distributors grow their

1 business. You know, their customers selling Shell  
2 lubricants. So they managed the relationship, you know,  
3 they'd do the invoicing and all that and I'm there as a  
4 support person.

5 Q. So who were your customers?

6 A. My distributors. Oh, that would be O'Rourke,  
7 Breaux, MidTex, Reladyne, Quality. I had about nine or  
8 so distributors. So the distributors are my customers  
9 and I help them sell Shell lubricants to their end-use  
10 customers which, you know, can be power plants,  
11 construction sites, gas compression, injection molding,  
12 manufacturing facilities.

13 Q. Okay. And how were you assigned these  
14 distributors/customers when you were employed?

15 A. Management, they'd decide. My initial manager  
16 because the territory was vacant for about six months or  
17 so and so the previous rep, you know, moved on and his  
18 name is Jess and so I came into the area and that was  
19 pre-defined upon my employment, before it.

20 Q. And you said that you were hired on Martin  
21 Luther King day 2019?

22 A. Yes.

23 Q. And who was your manager when you were hired?

24 A. Eric Boydstun.

25 Q. And when did Xavier Puvilland -- do you mind if

1 I just call him Xavier? You know what I'm talking  
2 about?

3 A. It's actually Xavier.

4 Q. When did Xavier become your manager?

5 A. Official day was like August 1st. That's the  
6 official. I met him at the end of July, we met like an  
7 intro, but officially and so forth like August 1st.

8 Q. And who was in charge of -- or scratch that.  
9 Strike that.

10 How was your performance measured during  
11 your employment?

12 A. You said how was it measured?

13 Q. Yes.

14 A. I had growth objectives from a sales  
15 performance. You know, I was expected to -- so the  
16 numbers speak for itself which is why, you know, I was  
17 able to get the bonus so, you know, my sales was good,  
18 you know, despite my shorten your and the company -- you  
19 know, so -- so sales and there were other things like,  
20 you know, maintaining safety, having a robust pipeline.  
21 Those -- you know, the intangibles. You know, doing  
22 reports on your sales and stuff like that.

23 Q. And what does a bonus have to do with  
24 performance?

25 A. The bonus meant that you exceeded your

1 objectives; that your performance was valid, strong  
2 enough to award you for a strong performance.

3 Q. And who ultimately measured your performance?

4 A. My immediate manager.

5 Q. And who was your immediate manager?

6 A. Well, it transitioned to Xavier so it was his  
7 decision.

8 Q. And so I want to -- I'm going to be showing  
9 some exhibits. I'm going to be sharing my screen and I  
10 just want to get some clarification from you. Just give  
11 me one second while I share my screen. This is going to  
12 be marked as -- and I'm going to get to the court  
13 reporter I'm going to give you the exhibit list at the  
14 end but I'm going to give you the total list at the end.  
15 So this is going to be marked as Defendant's Exhibit 1  
16 and it's --

17 MS. JAMES: You mean Plaintiff's Exhibit?

18 MR. HODGES: Sorry, I'm sorry. I've been  
19 working on something else. Yes, Plaintiff's Exhibit 1.  
20 I'm sorry.

21 (Plaintiff's Exhibit 1 was mentioned and  
22 retained by counsel.)

23 Q. (BY MR. HODGES) So can you see this?

24 A. I'd like if we can make it larger, please. Oh,  
25 yeah, that's nice.

1 Q. Okay. And this is -- for the record this is  
2 labeled Equilon 000097. And so for the record,  
3 Mr. Williams, can you tell me what this is?

4 A. A business performance scorecard for the year  
5 and this is just the first half of -- I see January 19  
6 through -- was that May? So --

7 Q. It's 6/30.

8 A. Yes. Is it six? Okay, okay. Yeah, until the  
9 end of June. So this is indicative of performance --  
10 this is showing 2018 versus 2019. I was hired in 2019.  
11 So you're seeing growth. Volume, you know, 138 percent  
12 versus prior year. C3, that stands for contribution  
13 margin, so that's, you know, profitability or margin.  
14 Unit C3 unit margins. And then premium volume. So what  
15 you're seeing is, you know, increases in performance.

16 Q. And -- and is this increase of performance  
17 between the time of -- as it states, here January 1st,  
18 2019 through June 30th, 2019?

19 A. That's correct.

20 Q. And can you explain to me what this F 2018 FY  
21 percentage means?

22 A. I think -- I think full year.

23 Q. And -- go ahead.

24 A. Yeah, that stands for the full -- the full year  
25 percentage of those metrics and then the -- the YE means

1 year end and then the LE means later estimate.

2 Q. And so in -- can you say again what LE means?

3 A. So 2019 year-end -- year-end estimate.

4 Q. What does the L stand for? I keep cutting out  
5 so I can't hear?

6 A. Latest estimate. Latest estimate.

7 Q. Latest. Okay. And so can you explain that as  
8 you were going to?

9 A. So what we're looking at, on the left side,  
10 that's the performance, you know, versus plan. Yeah,  
11 yeah, so versus plan, the 2019 plan, so -- so you have  
12 2018 actual results, what was sold, how much money was  
13 made. And then we have a growth plan, right? We have  
14 objectives. So 2019 plan. This is showing you the  
15 increase -- this is showing that my performance  
16 objectives increased that percent. So you look at 2018,  
17 1.7 million -- 1.7 million gallons and then the goal --  
18 the growth goal increase by 38 percent -- 138 percent.  
19 So, yeah, that's what we're seeing 2018 results and then  
20 2019 plan. So that's showing some very strong growth  
21 measures. Extremely high. Okay, so then -- so then as  
22 I look at the right side -- I'm sorry?

23 Q. I didn't say anything. Go ahead.

24 A. I was just explaining -- you know, kind of  
25 remembering what we're looking at here. So then as we

1 look at the right side we see all of this -- oh, okay.  
2 So year to date for let's see 2018 -- so I think when it  
3 says year to date I think that means from January 2018  
4 through June 30th, 2018. So you're looking at a  
5 six-month period there in 2018 year to date versus year  
6 to date and results in 2019. So that's showing a year  
7 over year six-month growth period of 13 percent higher,  
8 25 percent higher. So there's growth in performance.  
9 And then that 2019 year-end estimate, as you can see  
10 because it's half of the year, this is projecting how we  
11 would finish in a year if things continue on the path of  
12 where the business currently is. So you're pretty much  
13 just double. So that's what -- that's what it's showing  
14 that 2018 that the leaders estimate, the percent of  
15 growth would be like 106 percent of last-year's volume,  
16 120 percent greater volume. So everything is greater  
17 than 100 percent. That's indicative if things continue  
18 on the path -- you know, unless there's other, you  
19 know -- which should be other account gains for the  
20 second half of 2019, you know, these numbers would be  
21 higher but it's just saying if nothing has changed, you  
22 gained no more new business versus 2018 as things are --  
23 this is what we estimate your -- your performance volume  
24 to be.

25 And then the one on the right is showing

1     that latest estimate versus the plan and as you can see  
2     that plan is very aggressive. It's like almost --  
3     almost like ungodly aggressive. I mean, when you look  
4     at 138 percent growth plan, you know, and then versus  
5     106 percent, you know, versus last year, I mean, you  
6     grow the business 6 percent there and 20 percent, I  
7     mean, that sounds pretty good, right? But, no. They're  
8     like, no, you need to grow at 32 percent -- 100. So  
9     that's interesting.

10           Q. Is this business performance scorecard, is this  
11     specific to you?

12           A. Yes, sir.

13           Q. Do you know if any other BDM received business  
14     performance scorecards?

15           A. Yes, we all received it. It's like company  
16     required. As a matter of fact, this is a part of my  
17     midyear review and management, they're required to do a  
18     midyear review, a midyear performance review.

19           Q. Okay. And based on this document here does it  
20     have -- based on your opinion, does it describe or give  
21     any evidence of what your performance was at that time?

22           A. Yes, this is showing for the first half of 2019  
23     my employment. You know, the numbers are good, you  
24     know, versus last year, versus 2018 you see the growth  
25     in volume so performance there and then when you look at



1 the bottom chart, you know, you see green, you know,  
2 which is good, you see yellow that's, you know,  
3 opportunity to make improvement but there is no red.  
4 There's nothing that indicates failure, you know, or  
5 poor performance.

6 Q. And how many of these business performance  
7 scorecards would you say you received throughout your  
8 employment?

9 A. Just -- I believe just two, a midyear one and  
10 end-of-the-year one.

11 Q. And did you ever receive any of the red marks  
12 which you just referred to?

13 A. I -- I would have to take a look at the  
14 end-year review one. I do not recall. I would have to  
15 take a look.

16 Q. But did you -- but you didn't receive any for  
17 the midyear?

18 A. No, sir, this is exactly what was presented.

19 Q. Okay, I'm going to stop sharing here.

20 I'm going to open up another document. So  
21 this is going to be Defendant's -- I'm sorry, I keep  
22 saying Defendant's. (Simultaneous speaking.)

23 MS. JAMES: Can you tell me -- Eddie, can  
24 you tell me what the Bates range was for your first  
25 exhibit?

1 MR. HODGES: Yes, it was 97, 00097.

2 And this one is going to be -- Plaintiff's  
3 Exhibit 2 is going to be ranging from 001104 through  
4 001107.

5 (Plaintiff's Exhibit 2 was mentioned and  
6 retained by counsel.)

7 Q. (BY MR. HODGES) All right. Mr. Williams, can  
8 you see this document?

9 A. Yes, sir, but if you can zoom in, that would  
10 help, please.

11 MS. JAMES: Eddie, I'm sorry to interrupt  
12 again. You said the first one was Equilon 94?

13 MR. HODGES: 7.

14 MS. JAMES: 97? Okay.

15 Q. (BY MR. HODGES) Mr. Williams, can you see this  
16 document now?

17 A. Yes, sir.

18 Q. And do you know what this document is?

19 A. This says, "2019 KPI Results." Okay. Yeah, it  
20 looks like the results of my performance.

21 Q. What does "KPI" stand for?

22 A. Key performance indicators.

23 Q. And this e-mail here was sent on -- what's the  
24 date here that's from you?

25 A. You said what is the date?

1 Q. Yeah, what's the date on this e-mail?

2 A. Oh, it states February 24th, 2020.

3 Q. All right. And this is -- is this an e-mail  
4 from you to Luke Toshiff (phonetic) and Xavier  
5 Puvilland?

6 A. That's correct.

7 Q. What -- what was the purpose of this e-mail?

8 A. So Luke is like a business analyst. He helps  
9 confirm the numbers for performance and I wanted to make  
10 sure I understood what bonus amount I received and how  
11 the calculation works based upon my volume and margin  
12 and so he confirmed I think the amount that I received  
13 due to my strong performance.

14 Q. And so were you able to get -- it appears you  
15 received the e-mail from Monica saying that they don't  
16 have the details to calculate. You have to connect to  
17 HR. Did you ever connect with HR as to your bonus?

18 A. I don't recall connecting with HR. I remember  
19 getting a confirmation. There's -- there's an exhibit,  
20 I guess a document showing the bonus amount and that --  
21 how the calculation went so I don't recall reaching out  
22 to HR but I do recall getting the information.

23 Q. Okay. As I scroll down here is this basically  
24 what you were referring to as to how it was calculated?

25 A. Yes, sir.

1 Q. As I keep scrolling down -- this is 1105.

2 Going now to 1105, is this an e-mail from Luke Toshiff

3 on Monday 24th, 2020, to you and Xavier and Monica?

4 Subject says, "2019 KPI Results." Do you see that?

5 A. Yes, sir.

6 Q. And was this your KPI performance results

7 that's pasted right here?

8 A. Let me see. As I look at it, it looks like the

9 performance with my distributors. So these are the key

10 performance indicators for the distributors that I

11 supported. 2019 results for accounts tied to your KPI

12 performance. So, yeah, my performance is linked to my

13 distributors.

14 Q. And so based on this information here, is this

15 how your bonus is calculated?

16 A. It's -- it's a part of the ratio.

17 Q. Can you explain the ratio?

18 A. It's a -- it's the previous slide with the

19 premium and then the volume. Yeah, yeah, yeah, that's

20 -- that's like the ratio. It was kind of like -- so in

21 order to get the standard bonus, you know, you've got to

22 meet the green. You've got to have premium. So the

23 standard bonus means that you exceed your volume and

24 then exceed your margin so -- for product. So the goal

25 is to sell not just more oil, it's like you got to sell

1 the higher-margin product where you make more money for  
2 synthetics. You know, it's just like tires. You can  
3 buy a Goodyear tire or Firestone or you can go to  
4 Michelin. So we want to sell more higher grade, higher  
5 profitable lubricants. This is just showing the ways  
6 that the bonus can be earned. And in this case like the  
7 top one shows the percentages of volume versus  
8 high-margin product and then the second one shows -- so,  
9 yeah, these are just the calculations that shows you the  
10 possibilities to get a bonus. It has to lead to you  
11 selling more product or a combination thereof of  
12 higher-margin product.

13 Q. So based on the information that you just  
14 stated, would -- would you be able to calculate a bonus  
15 from this table right here?

16 A. I think -- I think there's another table.  
17 There's another exhibit I believe that shows -- it says  
18 this is your final numbers and this is your bonus  
19 amount. But this is -- this right here is a component  
20 of my distributors' performance and we would have to  
21 look at the aggregate to see -- so I would really have  
22 to compare this versus my -- that Exhibit 1 that shows  
23 like eligible for bonus, yes, and it shows the exact  
24 numbers.

25 Q. Okay. Just give me one second. I think I may

1 have that.

2 THE WITNESS: Attorney James, are you  
3 having lunch?

4 MS. JAMES: Yeah, sorry.

5 THE WITNESS: I didn't get an invite.

6 (Plaintiff's Exhibit 3 was mentioned and  
7 retained by counsel.)

8 Q. (BY MR. HODGES) So this is going to be labeled  
9 Plaintiff's Exhibit 3, Bates-labeled doc 1033, Equilon  
10 1033. Is this the document that you were referring to  
11 that -- (audio distortion)?

12 A. Yes, sir.

13 Q. Okay. And it says right here "Eligible for  
14 Bonus" and under that "Yes." Is that referring to your  
15 2019 performance?

16 A. Yes, sir.

17 Q. Okay. And so this table right here consists of  
18 your distributors; is that correct, this table that  
19 says --

20 A. Yes.

21 Q. And this says -- right down here it says,  
22 "Thanks, Xavier."

23 A. Uh-huh.

24 Q. So is this something that you sent Xavier?

25 A. No, sir, Xavier sent that to me.

1           Q.   Okay.  So Xavier was aware that you received a  
2   bonus?

3           A.   Yes, sir.

4           Q.   And -- okay.  Okay.  Mr. Williams, what do you  
5   consider to be coaching?

6           A.   I guess there's two ways to look at it.  I  
7   mean, coaching is like, you know, a manager, you know,  
8   who wants to offer you advice to be successful, like  
9   give you pointers and so forth and want to put you in  
10   the best position to do well.  That's typically what  
11   coaching is and it's -- you know, it's just like having  
12   an active relationship with an employee, you know, for  
13   their development.

14          Q.   Is there a difference in your opinion -- is  
15   there a difference in your --

16          A.   I'm sorry, go ahead.

17          Q.   Is there a difference in your opinion between  
18   coaching and, what is it, the WILO -- or the MILOs and  
19   the WILOs, the monthly meetings?  Is there a difference  
20   between those two?

21          A.   They're kind of the same.  You kind of review  
22   what you're doing and then you get advice on, okay, this  
23   is good.  Let's focus on priorities.  It's like  
24   interactive.  So coaching, just to make clear, it  
25   doesn't mean that you're underperforming or you're

1 failing. It's like, hey, you know, we're a team. This  
2 is -- you're telling me you're working on this. I'm in  
3 agreeance with you that, you know, this should be your  
4 priorities, if you could focus your time and these  
5 efforts. So, yeah, coaching itself and then in  
6 association with the WILOs and MILOs that's normal  
7 business-engagement conversation between an employee and  
8 a manager to ensure that they are working on the right  
9 initiatives to help the company make money.

10 (Plaintiff's Exhibit 4 was mentioned and  
11 retained by counsel.)

12 Q. (BY MR. HODGES) Okay. And I'm going to pull  
13 up -- this is going to be labeled as Plaintiff's  
14 Exhibit -- actually, I think this is 4 -- 4 now. And  
15 this is going to be Bates-labeled Equilon 112.

16 Can you see this, Mr. Williams?

17 A. Yes, sir.

18 Q. And do you know what this is?

19 A. Let me see. Scroll to the top. Coaching day.  
20 And it has -- this is in August. Okay. (Reading  
21 outloud) Dear Carl Williams, it has been discussed...  
22 for you to work on in coming months from your session  
23 what has the individual improved or done well in  
24 relation to display more leadership to the coach and  
25 improve policy granularity meetings especially



1 understanding of decision structure, ensure key decision  
2 makers attending focus on new volumes.

3 Okay, yeah, so this is a documented  
4 coaching and this was standard, I believe, by all  
5 employees, I believe. Sales -- yeah, sales coaching. I  
6 think it was something like generated in the system  
7 where I think the managers, you know, like sales  
8 coachings like whether he was good or bad, you know,  
9 they have to like state like this activity. I remember  
10 it being system generated.

11 Q. Okay. And so you said that this is a sales  
12 coaching day so all the BDMs from your knowledge were  
13 coached that day as well?

14 A. Yes, sir.

15 (Plaintiff's Exhibit 5 was mentioned and  
16 retained by counsel.)

17 Q. (BY MR. HODGES) Okay. Let me share another  
18 document. I'm going to share with you Plaintiff's  
19 Exhibit 5 -- marked Plaintiff's Exhibit 5. This  
20 document is Bates-labeled Equilon 858 through 859 and  
21 I'm going to start at the bottom of this e-mail.

22 Do you see this e-mail right here?

23 A. Yes.

24 Q. Can you tell me who it's from?

25 A. So that's from Xavier to myself on March 3rd,

1 2020. I guess it's a couple of weeks before my  
2 termination.

3 Q. And so it says you're -- you're just following  
4 up on your discussion from the morning and your notes --  
5 these are the notes.

6 A. Uh-huh.

7 Q. Or he's following up from a discussion you had.  
8 So you guys had a discussion that morning?

9 A. Yes. So the weekend -- yeah, every morning  
10 like he does with all the other BDMS we would -- we  
11 would talk about what's going on and then he would  
12 insert notes.

13 Q. And so just going through these notes hitting  
14 these bullet points, out of two visits -- excuse me --  
15 scratch that.

16 Out of all these bullet points here, do  
17 these bullet points in your opinion give off to you that  
18 you were underperforming?

19 A. No, not at all. Not at all.

20 Q. And so when you read this e-mail on March 3rd,  
21 2020, did you -- did this e-mail make you believe that  
22 you were underperforming?

23 A. Not at all.

24 Q. So when you read this e-mail on March 3rd,  
25 2020, you didn't have no reason -- did you have any

1 reason to question whether you were underperforming or  
2 performing?

3 A. No. I was never informed about under  
4 performance.

5 Q. And would you consider this e-mail --

6 MS. JAMES: On the record, I was on mute  
7 and I objected to the form of the last question. Go  
8 ahead. Sorry.

9 MR. HODGES: Can you -- Reporter, can you  
10 just restate my last question for me, please?

11 MS. JAMES: Eddie, I'm just making a record  
12 of my objection to the form of the last question.

13 (Record read as requested.)

14 MR. HODGES: Thank you.

15 Q. Mr. Williams, when you read this e-mail and you  
16 read the bullet points that are established by Mr.  
17 Xavier, did you have reason to believe that you were  
18 underperforming?

19 A. No, sir.

20 Q. Okay. And, again, the date of this e-mail  
21 is -- what is it?

22 A. March 3rd, Tuesday, 2020.

23 Q. And, for the record, how -- on what day you  
24 terminated -- what day were you terminated?

25 A. Monday, March 16th.

1 Q. And would you consider this e-mail that  
2 includes these bullet points, would you consider that to  
3 be coaching?

4 A. Coaching? I guess it's standard -- like this  
5 is a summary of our call. It's just a summary about it.  
6 It's not really, I guess, coaching. It's just this is  
7 what we talked about.

8 Q. So until this point -- up until this point,  
9 March 3rd, 2020, you had no record -- or you had no  
10 knowledge that you were underperforming?

11 MS. JAMES: Object to the form.

12 THE WITNESS: Right.

13 Q. (BY MR. HODGES) So you didn't know on March  
14 3rd, 2020, that you were underperforming?

15 A. That's correct.

16 MS. JAMES: Object to the form.

17 Q. (BY MR. HODGES) And -- okay, I'm going to take  
18 this Exhibit 5. Actually, we're going to go here, up to  
19 this -- up to -- scroll up a little bit. Do you see  
20 where -- this e-mail right here?

21 A. Yes, sir.

22 Q. And can you tell me what date this was sent?

23 A. March 3rd, 2020, 9:16. It looks like it was  
24 sent the same as the other one, just a little bit later.

25 Q. And this one was -- the other one was sent at

1 8:27 to you, p.m. Do you see that?

2 A. Yes, sir.

3 Q. And this one you said was sent on -- at 9:16  
4 p.m.?

5 MS. JAMES: I'm going -- I'm just going to  
6 object to the form. I don't -- this isn't an e-mail  
7 that Mr. Williams is on, is it? No, I'm not seeing  
8 that. This is an e-mail between two other individuals.

9 MR. HODGES: Understand.

10 Q. And so, Mr. Williams, based on this e-mail, it  
11 does state that you were -- it was an e-mail sent from  
12 Xavier to Kristia Encarnacion?

13 A. That's correct.

14 Q. And do you know who Kristia Encarnacion is?

15 A. Yes, ma'am, she's an HR representative. She  
16 was the person who was on the phone -- was on Skype when  
17 I was terminated.

18 Q. And do you see that it says, "I had another  
19 weekly coaching session with Carl Williams today. See  
20 below"?

21 A. Yes.

22 Q. And scrolling through these e-mail from the  
23 notes that we just discussed from Xavier to you,  
24 correct?

25 A. Yes, sir.

1 Q. And he states that he's showing no improvement  
2 and more gaps in execution.

3 A. Yeah, I don't see that in the e-mail.

4 Q. Right here.

5 A. Yes, sir. I mean, I see that statement but I  
6 don't see the language -- the bullet points. They don't  
7 support his statement.

8 Q. So is it your belief that at the time that you  
9 received the e-mail from Xavier on March 3rd, 2020, that  
10 there was no evidence of him believing that you weren't  
11 improving or there were more gaps in execution?

12 MS. JAMES: I'm going to object to the form  
13 of the question. Go ahead.

14 Q. (BY MR. HODGES) Did you understand the  
15 question, Mr. Williams?

16 A. I'm sorry, one more time.

17 Q. Did you understand the last question I asked?

18 A. The objection threw me off.

19 Q. Okay. So the question is when you received the  
20 e-mail on March 3rd, 2020, from Xavier that had the  
21 bullet point -- these bullet point notes that he sent to  
22 you, is it your belief or understanding that that e-mail  
23 showed signs that you were not improving and that there  
24 were gaps in your execution based on your belief?

25 MS. JAMES: Object to the form.

1           Q.   (BY MR. HODGES)   You can answer the question if  
2   you understand it.

3           A.   Yeah, based upon my belief and from what was  
4   discussed and in even just reading the e-mail, there's  
5   nothing in that e-mail that demonstrates gaps in  
6   performance and poor performance.

7           Q.   Okay.   I'm going to open -- this is going to be  
8   labeled as Plaintiff's Exhibit 6.   Do you see this  
9   document?   This is Bates-labeled Equilon 1106 through  
10   110 -- I already did this one.   I already labeled this  
11   one.   Did I?   No, I did 1104 to 1106.   So y'all want to  
12   go back?   I think this has already been marked as  
13   Plaintiff's Exhibit 2.   But this is a continuance of  
14   Exhibit 2 that we didn't go over.

15                   And so down here do you see this e-mail  
16   that's dated Wednesday, January 29th, 2020?

17           A.   Yes, I do.

18           Q.   And your -- and this is an e-mail in which  
19   you're responding to feedback you received from Xavier;  
20   is that correct?

21           A.   Yes.

22           Q.   And we scroll down here in this e-mail of you  
23   marked -- first of all, first, this is an e-mail from  
24   Xavier to you originally, correct?

25           A.   Yes, that's correct.

1 Q. And that was sent on January 28th, 2020, at  
2 6:05 p.m.?

3 A. Yes.

4 Q. All right. And can you read the first  
5 sentence?

6 A. It says, "Carl, Thanks, making good progress.  
7 Please find attached some additional comments/questions  
8 below."

9 Q. And what was your belief or understanding as  
10 what he meant when he said "good progress"?

11 A. That I am performing, you know, meeting  
12 expectations.

13 Q. Did "good progress" mean to you that you were  
14 underperforming?

15 A. Absolutely not.

16 Q. And where you indicated -- are these your notes  
17 here in red?

18 A. Yes. I am responding to his question or  
19 comment.

20 Q. And -- and that's all this information here in  
21 red, correct?

22 A. Yes, sir.

23 Q. And his response to your comments is the e-mail  
24 that he sent on the same -- or -- excuse me -- yes, on  
25 the Wednesday the 29th at 7:00 p.m.? Is that -- is that



1 your understanding that he sent a response to your  
2 comments on that date on this top e-mail?

3 MS. JAMES: Object to the form.

4 THE WITNESS: Yes.

5 Q. (BY MR. HODGES) Do you understand the  
6 question, Mr. Williams?

7 A. Please repeat the question.

8 Q. Yes. So is this response here from Xavier to  
9 you on January 29th, 2020, at 7:00 p.m., is this a  
10 response from Xavier in response to your feedback in  
11 which you highlighted in red below?

12 A. Yes, sir.

13 MS. JAMES: Object to the form.

14 THE WITNESS: That's correct.

15 Q. (BY MR. HODGES) Okay. And so in his response  
16 here above at the top is there any indication to you or  
17 based on your belief or -- excuse me, is there any  
18 indication to you that you were underperforming based on  
19 this e-mail on top?

20 A. No, sir, absolutely not.

21 Q. And can you explain what his response meant to  
22 you?

23 A. I see, "Carl, Thanks. I'll be more comfortable  
24 once we have sectors view but I guess for now we'll go  
25 with that. Next step would be to start comparing

1 existing pipelines with those targets, strategy could be  
2 directional. Would be good to understand why -- would  
3 be good in you from where fell the top/gaps are in terms  
4 of pipeline so with start addressing them."

5 So it looks like he's responding I guess to  
6 my comments? Yeah, yeah, yeah. Overall is what I gave  
7 in red.

8 Q. But from your under -- from your belief and  
9 your opinion that this e-mail didn't indicate that you  
10 were underperforming?

11 A. That's correct.

12 Q. Okay. And how often did you have meetings with  
13 Xavier?

14 A. Myself and all employees, BDMS, we all met with  
15 him individually every week.

16 Q. And -- and so you've worked with Xavier since  
17 March -- March of -- sorry, August of 2019; is that  
18 correct?

19 A. Yes, sir.

20 Q. And so from August 2019 through the time you  
21 were terminated you would have monthly and weekly  
22 meetings with Xavier?

23 A. Yes, sir.

24 MS. JAMES: Object to the form.

25 Q. (BY MR. HODGES) And during -- okay. During

1 your time being supervised by Xavier you had monthly and  
2 weekly meetings, correct?

3 A. Yes.

4 Q. Okay. And in any of those --

5 MS. JAMES: Object to the form.

6 Q. (BY MR. HODGES) In any of those -- in any of  
7 those meetings, weekly meetings, monthly meetings, did  
8 Xavier ever indicate to you that you were  
9 underperforming?

10 A. No, sir.

11 MS. JAMES: Object to the form.

12 Q. (BY MR. HODGES) And so throughout your  
13 employment you never heard that you were underperforming  
14 from anybody; is that correct?

15 MS. JAMES: Object to the form.

16 Q. (BY MR. HODGES) Have you ever heard that --  
17 have you ever heard that you were underperforming while  
18 working at Shell?

19 A. No, sir, I have not. I was never told that I  
20 was underperforming. We would have coaching and they  
21 say, "Hey, you know, here's some things to improve on  
22 and you're making progress." But, yeah, it was never  
23 stated that you're not meeting expectations. You know,  
24 if this continues you're going to go on a performance  
25 improvement program and terminated. Yeah, none of that.

1                   (Plaintiff's Exhibit 6 was mentioned and  
2                   retained by counsel.)

3           Q.   (BY MR. HODGES)   Okay.   All right.   I want  
4   to -- this is going to be Plaintiff's Exhibit 6 and it's  
5   going to be Bates-labeled Equilon 1152.

6                   THE REPORTER:   That's Exhibit 7.

7                   MR. HODGES:   Well, my Exhibit 6 was  
8   actually Plaintiff's Exhibit 2 and I'm going to send  
9   that to you but I think if not, I can just split it up.  
10   But the way I had it it was combined.

11                  THE REPORTER:   I'll figure it out.

12           Q.   (BY MR. HODGES)   So this -- do you see this  
13   document?

14           A.   Yes, sir, I can.

15           Q.   Have you ever seen this document before?

16           A.   Who is this addressed to?   I have to see the  
17   top.

18           Q.   Yeah, this is from HR Services and it appears  
19   to be March 5th, 2020.   I think the date is combobulated  
20   that way but it's March 5th and it's to Xavier.

21           A.   Yes, sir.

22           Q.   And it's "Subject:   GC/under performance  
23   management."   Have you ever seen this document?

24           A.   Not when I was with the company but I saw it --  
25   I guess this is, what, the discovery?   It was in that --

1 that 1,400 -- yeah, this -- yeah, I have seen this.

2 Q. Okay. And are you familiar with performance  
3 improvement plans?

4 A. I am overall from a corporate standpoint.

5 Q. Are you aware of anybody that was a  
6 business-development manager that was placed on a  
7 performance improvement plan during your time at Shell?

8 A. No, sir, I'm not aware.

9 Q. And -- okay. And do you see here that -- yes,  
10 you see that it says, "We read your YE writeup for  
11 Carl"? Do you see that?

12 A. Yes, sir, year-end review.

13 Q. Okay, so that's what that "YE" stands for?

14 A. Yes, sir, year-end performance review.

15 MS. JAMES: Object to the form. And just  
16 to clarify, this -- Mr. Williams, you said you received  
17 this e-mail in discovery in this litigation; that this  
18 is not an e-mail you received during your employment,  
19 correct?

20 THE WITNESS: Correct, this e-mail was not  
21 sent to me. It's not addressed to me.

22 MS. JAMES: This is specific to other Shell  
23 employees and you were not included or copied on it?

24 THE WITNESS: This -- this is Xavier and,  
25 you know, HR is recommending it looks like putting me on

1 a PIP, giving me the original warning, giving me 30 days  
2 to improve and they said we would --

3 Q. (BY MR. HODGES) Mr. Williams, you are the  
4 subject of this e-mail though, correct? This e-mail is  
5 a response to you?

6 A. Yes, sir.

7 Q. Okay. And so you see it says Y end write-up?

8 A. Yes, sir.

9 Q. Were you ever presented the YE write-up by Mr.  
10 Xavier?

11 A. You say was it presented?

12 Q. Yeah, was the YE write-up ever presented to  
13 you?

14 A. Yeah, that -- that was a -- a write-up that  
15 Xavier and I collaborated on and he end up -- the  
16 language that he gave me to put into the system, that's  
17 what they're -- that's what they're referring to.

18 Q. And you see that the HR request says, "it  
19 sounded like the rating was not unacceptable"?

20 A. Correct.

21 Q. And so from your understanding when you're  
22 referring to the year-end write-up that you  
23 collaboratively completed with Xavier, was it your  
24 understanding then that your rating was unacceptable?

25 MS. JAMES: Object to the form.

1                   THE WITNESS: No, not at all. It was  
2 exactly as it states. It sounded like my rating -- I  
3 mean, it kind of sounds confusing the way they have it,  
4 like not unacceptable. But essentially they're saying  
5 based upon his write-up from what they read that my  
6 performance from the tone of and what he wrote that it  
7 was acceptable, that it was on par; that there's no  
8 indications of under performance or being unacceptable.  
9 So they asked we are wondering on what kind of message  
10 was being sent to the employee in conversation with him.

11           Q. And so -- okay, go ahead. Finish.

12           A. They're basically saying they don't -- they  
13 don't see based on his write-up how my -- his  
14 recommendation for a dismissal at least for under  
15 performance.

16           Q. So based on your knowledge when you were  
17 collaborating with Xavier on the YE write-up, you had  
18 no under -- you didn't believe that your performance was  
19 unacceptable, did you?

20           A. No, sir. Not only did I believe but I knew  
21 that my performance was not unacceptable. I knew that  
22 my performance was -- for someone that had only been  
23 working for the company actually doing actual work for,  
24 what, eight months, I mean, because I really started  
25 with my distributors in June so as he stated, within my

1 short tenure like, you know, I'm moving, I'm growing,  
2 you know, my performance is on par and his review was  
3 very promising. He's like, "Carl, in 2020 you're going  
4 to make great strides and it's going to execute well."

5 (Plaintiff's Exhibit 7 was mentioned and  
6 retained by counsel.)

7 Q. (BY MR. HODGES) Okay. All right. So now I'm  
8 going to share my screen and this is going to be marked  
9 as Plaintiff's Exhibit 7, Bates label doc 488. And do  
10 you see this document right here? Or do you see this  
11 right here on your screen?

12 A. Yes, sir.

13 Q. And you see that what it states here is "2019  
14 YE write-up for Carl for your reference"?

15 A. Yes, I do.

16 Q. You said Kristia Encarnacion is HR?

17 A. Yes.

18 Q. Okay. And if you could just read this  
19 paragraph that I've just highlighted and just confirm  
20 that this is the write-up which you received for your  
21 year-end write-up.

22 A. Okay. "Carl joined Shell in February..." --

23 Q. You don't have to read it for the record. You  
24 can just read it to yourself.

25 A. Okay. Okay.



1 Q. Just let me know when you're finished.

2 A. I'm finished.

3 Q. And so is this the year-end write-up in which  
4 you're referring to that you collaborated with Xavier?

5 A. Yes.

6 Q. And, again, does this "2019 year-end write-up,"  
7 does this indicate to you that you were underperforming?

8 A. No, sir, not at all.

9 Q. What does it indicate to you?

10 A. It indicates to me that within my short tenure  
11 with -- with the company that -- that my performance is  
12 on par; that it's promising and that, you know, I  
13 understand for the 2020 that there's some objectives and  
14 things that I need to hit, you know, pretty much to help  
15 the business grow. But, you know, it clearly states I  
16 gained 125,000 gallons of new business through my  
17 distributors despite my short tenure. So -- so it's --  
18 you know, that -- that within itself states that, you  
19 know, there's some good things that Carl is executing  
20 on. And then it states, you know, there's also some  
21 areas for him to grow and improve. But nothing in this  
22 demonstrates unacceptable or under performance.

23 Q. Are you familiar with your metrics as it  
24 relates to new business in comparison to other BDMs?

25 A. Our goals are individual based upon a market,

1 not distributors. I'm trying to think. So what was the  
2 question? Am I aware of my goals versus my peers?

3 Q. Are you aware of your -- it says here that you  
4 gained 125 gallons of new business. Are you aware of  
5 how much new business other BDMS accrued during your  
6 time at Shell?

7 A. I am. I can tell you that I was not at the  
8 bottom. Despite I was the newest employee I was  
9 somewhere -- what were there like ten of us? -- I was  
10 kind of like in the middle or like quintile. I mean,  
11 there was those that had less numbers and so forth than  
12 me that, you know, had been with the company longer. We  
13 had a couple rock stars under -- Art Kenealy, Bob  
14 McDonnell. Those guys were really, really good.

15 Q. And the ones that you mentioned performance  
16 that you may have believed that you are aware that was  
17 below yours, do you know who those individuals are? Can  
18 you name anybody?

19 A. I'm thinking. And I guess -- let me see. I  
20 guess some of it -- there were new employees that joined  
21 that I recall but -- for example, you know, one of my  
22 experienced peers like Tamika, Tamika Greer, I would say  
23 our numbers and so forth was comparable. You know,  
24 she's -- she's an experienced employee that's been in  
25 the role for like four years. I think another guy that

1 I was comparable with is Gary. What was Gary's last  
2 name?

3 Q. You don't necessarily have to -- if you don't  
4 know their last name, you don't have to tell me the last  
5 name. So you said Gary?

6 A. Yeah, yeah, because --

7 Q. Do you know who Gary Brinks was?

8 A. He was Caucasian, older male, about in his  
9 mid-fifties.

10 Q. And is there anybody else that you can  
11 remember?

12 A. That what?

13 Q. That was a BDM that -- whose new business  
14 levels weren't as high as yours? You stated that you  
15 were in the middle somewhere. I was asking if you know  
16 any other -- any more that you were (audio distortion)  
17 top above.

18 A. So I guess also -- let me interject and say  
19 Xavier was sent out a monthly win report. He would send  
20 that to the team and I think they're in that 1,400 file.  
21 So he would say for like the month of June or the month  
22 of January 2020 to February and even starting in  
23 December he would do these highlights and wins and you  
24 would see my name on there with wins. You would see  
25 other people. And so when I look at my performance

1     versus -- and particularly Tamika and Gary because we  
2     both did industrial lubricants. Remember, industrial --  
3     these plants they don't -- they don't -- they take a  
4     long time to close. It's a two-year sales cycle. And  
5     we have other reps like Art Keneally -- what's the name  
6     of the other guy? -- Doug Peterson, they were  
7     transportation so, I mean, you put oil in a truck and  
8     you can close that business within two -- two -- a month  
9     or so.

10                     So my point is when I look at the sales  
11     cycle of how long it takes to gain an account, when I  
12     look at my short tenure with the company and when I look  
13     at those monthly win highlights versus my peers', you  
14     know, my name was on there as far as, you know, having  
15     wins. So I guess that's what I meant. Like I wasn't  
16     necessarily at the bottom. My performance was kind of  
17     on par, you know, with my peers who had much more  
18     experience than I was.

19             Q. And so you mentioned that there are two  
20     divisions, industrial and transportation. So in the  
21     industrial -- you were in the industrial side, correct?

22             A. Yes, sir. Yes, sir.

23             Q. And how many BDMS were on the industrial side?

24             A. Like -- what was it? Four.

25             Q. And out of those four BDMS do you by chance

1 know what their -- what their race was?

2 A. You had Tamika and I who are black and then you  
3 have -- this is just industrial -- and then you had Bob  
4 McDonnell and Gary, they were Caucasian. And all the  
5 other like transportation reps and so forth they were  
6 Caucasian. And so I think there was like a total of  
7 like nine of us, eight or nine. Nine and there was like  
8 two blacks.

9 (Plaintiff's Exhibit 8 was mentioned and  
10 retained by counsel.)

11 Q. (BY MR. HODGES) Okay. I want to open up  
12 another exhibit. Give me one second. This is going to  
13 be Plaintiff's Exhibit 8, Equilon 00053 through 55.  
14 This is an e-mail from Xavier to Kristia Encarnacion and  
15 subject in regards to a case documentation. Have you  
16 ever seen this document, Mr. Williams?

17 A. Yes, sir, I have.

18 Q. And when did you -- when did you see this  
19 document?

20 A. That was post-termination.

21 Q. And was this something that was reviewed to you  
22 by Shell or something that you received in discovery?

23 A. Discovery.

24 Q. And so have you had a chance to look at this  
25 document before?

1 A. I have.

2 Q. And you see that in this document it states  
3 that incident -- some serious behavioral issues that had  
4 been documented. There's an incident between two  
5 females employees during the first week of the company.  
6 Is that first bullet point there, is that referring to  
7 the incident you were -- you explained to the Shell  
8 attorney in regards to Holly Burns?

9 A. Yes, sir.

10 Q. And then this says, "Previous line manager  
11 following up with a technical advisor because this  
12 relationship started off very poorly due to Carl's  
13 behavior at a customer training." Do you know what  
14 that's referring to?

15 A. Previous line manager is following up with a  
16 technical advisor because this relationship started off  
17 very poorly due to Carl's behavior at a training that  
18 he -- so I remember Eric Boydstun -- I mean, I guess  
19 that feedback wasn't given to me but this is Xavier's  
20 comment but basically I attended a sales training -- an  
21 in-person sales training. We had a technical advisor, a  
22 Kenneth Aucoin, that he led and we had other customers  
23 there and while I was there during the meeting I think  
24 he said I was asking too many questions.

25 Q. Who said that?

1 A. Kenneth Aucoin.

2 Q. Okay.

3 A. Yeah, so, I mean, I guess that's -- I mean,  
4 that's his comments. I don't know but...

5 Q. Go ahead. I didn't mean to cut you off.

6 A. I mean, I thought technical adviser and all,  
7 Kenneth Aucoin, he seemed to be very -- he appreciated  
8 my curiosity and willingness to learn so, yeah, I  
9 don't -- I don't even know why that's in there.

10 Q. And do you see this is from Xavier that he had  
11 his first coaching discussion with you in mid-July?

12 A. He misuses the term "coaching." We had an  
13 introductory meeting in the middle of July.

14 Q. What do you believe that he's trying to convey  
15 here when he says "coaching"?

16 MS. JAMES: Object to the form.

17 THE WITNESS: They're performance issues.

18 Q. (BY MR. HODGES) And -- and you stated  
19 previously that he's never conveyed to you or told you  
20 that you were underperforming; is that correct?

21 MS. JAMES: Object to form.

22 THE WITNESS: That's correct. That is  
23 absolutely correct.

24 Q. (BY MR. HODGES) Why is it important to you --  
25 for you to know that you are underperforming?

1           A. So that I can close the gaps. You know, so  
2     that I can stay employed. So that I can take care of my  
3     daughter, you know, as a single father. And if -- you  
4     know, if the company and I were not a good fit and I  
5     could see what's happening, then I would, you know, have  
6     sought other employment or tried to change a position or  
7     something. So, you know, I -- you know, you got a  
8     high-caliber, 13, you know, year corporate guy do very  
9     well at Exxon. I wanted to go to Shell, you know, to  
10    get back into sales because Shell has an internal job  
11    posting. I have control of my career. And, you know, I  
12    was very excited to work for them. This just  
13    blind-sided me.

14           Q. And -- okay. We're going to move on from that.

15                   (Plaintiff's Exhibit 9 was mentioned and  
16     retained by counsel.)

17           Q. (BY MR. HODGES) This is going to be No. 9,  
18     Plaintiff's Exhibit 9, Equilon 830 through 831. Do you  
19     see this document, Mr. Williams?

20           A. Yes, sir.

21           Q. Do you -- can you tell me the date that this  
22     document was sent?

23           A. March 5th, 2020.

24           Q. Yes. And do you see this e-mail here --

25                   MS. JAMES: I'm going to just object to the



1 form. You're asking him -- is this an e-mail that he's  
2 on, Eddie?

3 MR. HODGES: I'm just asking him dates.  
4 I'm asking him what's -- you know, I haven't gotten to  
5 the point where I ask him if he's seen this e-mail yet.  
6 I just want to just confirm what the dates are on this  
7 e-mail.

8 MS. JAMES: But this -- just to confirm,  
9 this isn't -- he doesn't have personal knowledge of when  
10 this e-mail was sent because he's not on it, right?  
11 This would have been -- so he's just testifying what the  
12 date appears to be on the document, right?

13 MR. HODGES: That is correct, he is  
14 testifying what the dates are on the document.

15 MS. JAMES: Okay.

16 Q. (BY MR. HODGES) So, Mr. Williams, do you see  
17 that this document there is an e-mail here sent from  
18 Xavier to Jesus Guerrero-Herrera and Miki Wilson?

19 A. Yes.

20 Q. Okay. And in this document it states -- Xavier  
21 states that he had a call with you and you started  
22 bouncing the idea that the reaction of the O'Rourke  
23 sales manager may be due to racial biases. Do you see  
24 that?

25 A. Yes, sir.

1           Q. And it says, "Even though after a pretty  
2   lengthy discussion he recognized he had no proof or any  
3   indication from previous interactions with him." Do you  
4   see that?

5           A. Yes, sir.

6           Q. So do you remember having a conversation with  
7   Xavier in regards to Scott Field?

8           A. Yes, sir.

9           Q. And do you recall mentioning racial biases?

10          A. Yes.

11          Q. And do you remember what was said?

12          A. Yes, I do.

13          Q. Can you tell me what -- what you told  
14   Mr. Xavier that day when you had the conversation?

15          A. Yes, sir. So basically, you know, I had  
16   numerous interactions with Mr. Scott Field, the sales  
17   manager at O'Rourke, and, you know, as Xavier mentioned  
18   in that last sentence, you know, previous interaction  
19   with him. So I started working supporting Scott and his  
20   sales team members starting in June. We had a really  
21   good relationship. I mean, good engagement. He thanked  
22   me for supporting Bradley Adams, one of his right reps  
23   in Beaumont, Ashley Phelps right there in Houston. He  
24   had another guy named Robert Hernandez in Dallas. And  
25   so he said, "Carl, you know, you're doing great work

1 with my team. I appreciate your support." And then all  
2 of a sudden, what, eight months or seven months later  
3 after we had that meeting with German Pellet in Port  
4 Arthur, after that good meeting that we had with the  
5 customer we had -- yeah, yeah, it was a new call, new  
6 sales call, and when we had lunch and I was asking him  
7 questions about, you know, distribution, areas of  
8 improvement, RelaDyne Reliability Services. I asked  
9 him, you know, about, you know, does he think they have  
10 like enough sales team members to support the Texas  
11 marketplace. He got heavily offended and took that as  
12 me like, you know, questioning his management and stuff  
13 and he went off. He went off. And I -- and I felt  
14 like -- and what I experienced the way he was talking to  
15 me and his tone it was like, "Carl, like -- like you've  
16 crossed the line. Like, like..." -- it was almost like  
17 one of those boy -- like boy, you know, types of  
18 demeaning gestures. It's like things were fine until I  
19 started asking questions about business improvement and  
20 he didn't like I guess the questions that I asked and he  
21 -- he retaliated. He got very loud at lunch and then he  
22 walked out, smoked, came back and kind of like  
23 apologized and I thought we were going to, you know, be  
24 back on good terms but then that's when he proceeded to  
25 tell his boss Ryan and Ryan called like McDonnell -- Bob

1 McDonnell and some others. They said, "You know, we  
2 don't want to work with Carl anymore. He's of no value  
3 to us." So I was just very devastated and misled and  
4 hurt by that.

5 Q. Do you believe you did anything wrong with  
6 having that conversation?

7 A. I'm sorry, you said do I think I did anything  
8 wrong?

9 Q. With having that conversation with Scott Field.

10 A. Absolutely not. No, sir, absolutely not.  
11 That's -- they -- they -- they would teach us to have  
12 business conversations and sometimes what they call  
13 challenging conversations where you can sometimes ask  
14 questions, you know, that they get people to talk and  
15 think and some of them can be a little uncomfortable  
16 about, you know, there is honesty on their business  
17 strategy, if they have enough people to support but, you  
18 know.

19 Q. Does Shell have -- sorry. You can finish. I  
20 didn't mean to cut you off. I thought you were  
21 finished.

22 A. I said, I mean, that's -- that's what they  
23 teach us to do in the industry. They call it a  
24 challenge your sales model. You're supposed to ask, you  
25 know, difficult questions and, you know, still being --

1 as long as it's business related and everything that we  
2 discussed was all about business.

3 Q. Do you know -- oh, sorry. Do you know if Shell  
4 has any policy that prohibits that type of conduct?

5 MS. JAMES: Object to the form.

6 THE WITNESS: No, there's no policy, I  
7 mean, for talking about business. That's what I'm  
8 supposed to do. I'm supposed to sell. You know, I was  
9 expected to produce -- to sell fast, quick, load up the  
10 pipeline despite it can take two years to get an account  
11 to close after introduction.

12 Q. (BY MR. HODGES) So what was the purpose of  
13 your -- your communicating new business with Scott  
14 Field?

15 A. You said what was the purpose of me  
16 communicating new business?

17 Q. Yeah. What was the purpose of you  
18 communicating new business opportunities to Scott Field?

19 A. Oh, the purpose of that conversation is to  
20 start out we can continue to grew, to gain business. So  
21 I can have them make money, they have me make money. So  
22 I can continue to perform well and get my bonuses.

23 Q. And another thing it says here Xavier stated  
24 that -- sorry, I just lost it. Yes. It says here that  
25 he was not supported by the recommendation by HR and

1     that that would only increase our exposure and risk to  
2     litigation while employee is on their payroll. Was it  
3     your understanding or belief that the actions -- or,  
4     excuse me, scratch that.

5                     Did you ever make any complaints to Xavier  
6     that would make him believe that there would be an  
7     increased risk of litigation exposure?

8                     MS. JAMES: Object to the form.

9             Q.    (BY MR. HODGES) Yeah, let me rephrase that.

10                    Did you make any -- did you give any  
11     indication to Xavier through words or e-mail or anything  
12     that would make him believe that terminating you would  
13     increase exposure and risks of litigation?

14                    MS. JAMES: Object to the form.

15             Q.    (BY MR. HODGES) Did you understand the  
16     question?

17             A.    One more time.

18             Q.    Yes.

19                    MS. JAMES: And I'm just going to object to  
20     the form just to let you know so it doesn't throw you  
21     off, but go ahead, Eddie, ask the question.

22             Q.    (BY MR. HODGES) Yes. Is it -- did -- did you  
23     give any information to Mr. Xavier that would make him  
24     believe terminating you immediately would -- terminating  
25     you would increase Shell's exposure and risk to

1 litigation?

2 MS. JAMES: Object to the form.

3 THE WITNESS: No, actually, no, I did not  
4 provide any information. You know, I never even thought  
5 about that -- any type of litigation activity. I -- you  
6 know -- you know what's so crazy? I thought that  
7 meeting that we had on March 16th, that was supposed to  
8 be a business-strategy meeting. I had took the time to  
9 come up with my PowerPoint, with my plan and here I am  
10 thinking, you know, things are looking good this year.  
11 I've got new distributors that -- that have reps that  
12 want to work with me on like Breaux Petroleum. I'm like  
13 things are looking good and I sincerely thought that we  
14 were meeting to discuss continuous commercial activities  
15 that I'm doing and going to continue to do and just talk  
16 about my strategy.

17 And I get on that doggone Skype call and  
18 when I saw an HR rep, my heart immediately started  
19 palpitating. I knew something wasn't right. I'm like,  
20 Lord, hope I'm not going through no damn panic attack.  
21 And I just knew -- I just knew because of the incident  
22 with O'Rourke and Shell in the process of negotiating a  
23 new agreement with them to -- to better commercial  
24 terms, pricing, buying more product, you know, I just  
25 knew he was ready just to throw me under the bus and

1 not, you know, support me despite my strong performance.  
2 And, man, I've never been so blind-sided in all my life.  
3 You talk about not seeing something come.

4 Q. And is it your opinion that Xavier had racial  
5 bias --

6 A. Absolutely.

7 Q. -- toward African-Americans?

8 A. Absolutely.

9 Q. And what would you base your opinion -- how  
10 would you -- excuse me.

11 What is the basis of your opinion?

12 A. Based upon the way that he treated me, you  
13 know, the way he talked to me, our interactions, like --  
14 there was like -- there was just like this -- this  
15 uncomfortableness. Like it was like harsh, his feedback  
16 since day one.

17 Q. Can you provide some examples?

18 A. I'm sorry?

19 Q. Can you provide some examples?

20 A. It's just like I felt like he -- I felt like he  
21 was trying to hold me to the same standards of people  
22 that had been with the company 30 years. I did not have  
23 a formal on boarding. You know, when I got into the  
24 job, there was -- my predecessor had moved on. My  
25 distributors were not having to work with a rep in like



1     ten months or so. So here I am figuring things out on  
2     my own. You know, learning the industrial side of the  
3     business, something I've never done in my life -- I've  
4     worked with distributors -- and I just feel like his  
5     expectations and the way he would talk to me is like  
6     kind of made me look bad and set me up for failure.

7             Q. How -- how would you base that on your race?

8             A. Because Tamika, the -- my other black employee  
9     on the team, she -- she expressed some uncomfortable  
10    like conversations with him as well. It's like they  
11    hold you to a different standard, you know, than other,  
12    you know, white employees in your performance and so  
13    forth. You know, you can do well but yet we're going to  
14    find small things to pick at you about where there's  
15    supposedly gaps. And so as you can see even with this  
16    case whenever managers and corporations have these  
17    subjectivity racial prejudices on people's performance,  
18    when the numbers indicate strong performance, bonuses,  
19    but yet there's these prejudices where -- where even  
20    HR's Kristia said, "Hey, man, your comments doesn't  
21    indicate that his performance is not unacceptable."

22                     So all this stuff it just underlies, you  
23    know, like prejudice, racism, harsher treatment towards  
24    people of color. My numerous interactions with him they  
25    were just -- they were tough. I didn't feel like he had

1 my back. I didn't feel like I was supported. You know,  
2 he -- you know, he's from France. I think he had some  
3 cultural issues with Americans and, you know, and  
4 especially African-Americans. I don't know, I feel like  
5 he needed some diversity and inclusion training or  
6 something because, you know, he -- he's an ex-Pat,  
7 right? He didn't, you know, necessarily like Texas.  
8 It's too hot and he's a European. He's just different.  
9 And I feel like he really had issues and biases,  
10 conscious and unconscious.

11 Q. Is it your opinion that Xavier treated  
12 non-African-Americans more favorably compared to  
13 African-Americans?

14 A. Absolutely.

15 Q. And what is your basis for that opinion?

16 A. The way he would elevate them and highlight  
17 them during our meetings and calls about their wins.  
18 It's like, "Oh, Bob did this and this. He's so  
19 outstanding." But then when he gets to Carl and Tamika  
20 despite -- you know, the black employees despite our  
21 achievements it wasn't highlighted and praised. It's  
22 like, you know, he had his favorites and they were the  
23 white employees, the way he would elevate them,  
24 recognize them.

25 Q. And you would say that that type of treatment

1 occurred from the -- from the day that he became your  
2 manager or was there a certain time that --

3 A. No, it was always that way. It was always that  
4 way.

5 And the other thing, you know, I would talk  
6 to my other white counterparts about their interactions  
7 with Xavier and they didn't have the same experiences  
8 that I had and nor Tamika. So he definitely had a  
9 harsher treatment.

10 Q. And who did -- and which -- who are you  
11 referring to when you said you had those conversations?

12 A. The other white employees about their  
13 experiences with Xavier?

14 Q. Yes. What other white employees are you  
15 referring to?

16 A. The other team members. Bob -- Bob McDonnell,  
17 Gary Peterson.

18 Q. What did they tell you that made you think  
19 that was different treatment?

20 A. Because their interactions with Xavier from  
21 what they had said that they experienced was not  
22 consistent with what I experienced and Tamika  
23 experienced. They would say stuff like, "You know,  
24 Xavier can be a little pushy or ask for a lot but, you  
25 know, overall he doesn't -- he let's me, you know, do my

1 work and as long as I'm, you know, hitting my numbers,  
2 you know, I don't have any issues with him." It's just  
3 like, "You know, he could be more personal, you know,  
4 but he is who he is." They would say stuff like that.  
5 But outside of that, they didn't indicate that they were  
6 having the issues and concerns and lack of trust and  
7 support like I did and Tamika.

8 Q. And so are you saying that Xavier was more  
9 tedious in micro managing African-Americans more in  
10 comparison to non-African-Americans?

11 MS. JAMES: Object to the form.

12 THE WITNESS: Absolutely.

13 Q. (BY MR. HODGES) And what's your basis for that?

14 A. Based upon engagements from -- and personal  
15 experiences with him, with myself, Tamika, so I was able  
16 to compare the experiences as two black employees on the  
17 team versus the white counterparts.

18 Q. Okay. All right, Mr. Williams, I just  
19 literally I'm basically done. I just wanted to go over  
20 some of defense exhibits because I'm going to go through  
21 them briefly. I just wanted to reopen them.

22 So the first one I'm going to open up is  
23 Defendant's Exhibit 8. Let me share the screen. This  
24 was marked as Defendant's Exhibit 8. Do you remember  
25 this document?

1           A.   Yes, sir.

2           Q.   And to clarify this document, when you state,  
3   "I am accepting responsibility," was it your  
4   understanding that you did something wrong?

5                   MS. JAMES:   Object to the form.

6           Q.   (BY MR. HODGES)   You can answer if you  
7   understand the question.   If you need me to rephrase,  
8   just let me know.

9           A.   I recall addressing this earlier with Attorney  
10   James and with this one there's no -- it's not that I  
11   did something wrong, this e-mail was a collective phone  
12   call with Jarrett -- Jarrett Enochs, Xavier and myself  
13   that that particular engagement with O'Rourke could have  
14   been better executed from Jarrett, the distributors  
15   themselves if I'm being honest about their request for  
16   support from me and myself like saying, you know, I  
17   really -- I kind of trusted Jarrett being an experienced  
18   employee and distributor.   I thought that they would be  
19   clear on, you know, their support needs so I said I take  
20   responsibility.   I take ownership of not -- I'm making  
21   sure that I do all the checks and balances when it comes  
22   to spending time with distributors and going out on  
23   opportunities because, you know, Jarrett told me that,  
24   "Hey, man, they need you.   You need to go out there  
25   first of the year to support them."   And it was during

1 the holidays so it was kind of hard to do a lot of  
2 prepping and all that stuff, right, I mean over  
3 Christmas. And so, like I said, I wasn't going to point  
4 the finger and say, "Well, Jarrett, you know, you could  
5 have done a better job." O'Rourke -- I mean, I just  
6 feel like across the board there was just like a gap in  
7 communication and preparation. And it really befalls on  
8 the distributor because it's their account. It's their  
9 business. It's their marketplace. I had never been to  
10 West Texas, Midland-Odessa. It was something like  
11 different. But...

12 Q. So would you say that this e-mail doesn't  
13 necessarily say that you were at fault in any way?

14 A. No, no. Yeah, this e-mail does not do that.  
15 I'm just admitting to having kind of like a shared  
16 responsibility as a employee to make sure that, you  
17 know, working with distributors and my counterpart that  
18 we're -- that we're doing the things we're supposed to  
19 do.

20 Q. And does this e-mail indicate that you were  
21 underperforming?

22 A. Absolutely not.

23 Q. I'm going to open up Defendant's Exhibit 9.  
24 And this is Defendant's Exhibit 9. Sorry, actually,  
25 actually, this is not it. I'm sorry. These numbers are

1     messed up.  Actually, was it?  I think I got my numbers  
2     mixed up.  Can you tell me about the Bates number for  
3     Defendant's Exhibit 9?

4                     MS. JAMES:  Let's see, let me find it in my  
5     notes.  Just a second.  1068 through 71.

6                     MR. HODGES:  Okay.  So that was it.

7                     THE REPORTER:  Mr. Hodges, when you get a  
8     second, I'm going to need a break.  I've been writing  
9     for about three -- almost three and a half hours.

10                    MR. HODGES:  I'm literally almost done.  I  
11     have like two more questions left and we're going to be  
12     done.  And if you could just hold -- give me like ten  
13     minutes max.

14                    MS. JAMES:  Yeah.  I'm going to have some  
15     follow-up questions on the questions you asked.

16                    THE REPORTER:  So we'll take a break on Ms.  
17     James then.

18                    MR. HODGES:  How much time do you have left  
19     on your questioning.  If we go off the record I guess we  
20     can figure that out off the record.

21                    MS. JAMES:  Well, I'm -- I'm specifically  
22     responding to your questions -- you know, follow-up  
23     questions, the questions you asked.  So I think you've  
24     opened the door for me to ask some of these questions.

25                    Q.  MR. HODGES:  Okay.  Well, I just want to put on

1 the record that you are out of time on your questioning  
2 but if you want to follow up, you know, those questions  
3 will be considered, you know, made out of time. But  
4 regardless of where we're at now I'm going to put the  
5 exhibit back up.

6 Q. So this was Defendant's Exhibit 9 and do you  
7 remember this document, Mr. Williams?

8 A. I haven't seen it all but it looks familiar.

9 Q. And so this is dated the 29th of 2019.

10 A. Yes. Yes, I do.

11 Q. And in this e-mail right here that you sent  
12 were you sending this e-mail -- when you sent this  
13 e-mail, did you have any notice of under performance?

14 A. Absolutely not. No, sir.

15 Q. And then we're going to look at Defendant's  
16 Exhibit 10. Do you remember this document?

17 A. Yes, sir.

18 Q. And this document is referring to your  
19 end-of-the-year comments?

20 A. Yes.

21 Q. And, again, does this document indicate to you  
22 that you were under performing?

23 A. Absolutely not.

24 Q. I think -- who is -- who is Jarrett Enochs?

25 A. He's the ICAM, the indirect channel account



1 manager. So he's responsible for the relationship --  
2 the business aspect with like O'Rourke, with MidTex,  
3 with some of the distributors that I support. So he  
4 like advises them on getting product, on logistics, on  
5 inventory, pipeline development. And I'm -- I'm just a  
6 single account manager focused on helping him grow the  
7 industrial line of business, execution in the field, but  
8 he's more so on the business side working with the same  
9 distributors that I supported.

10 Q. And was he a subordinate of yours or are you  
11 his manager?

12 A. No, not at all. We're peers but he support  
13 (audio distortion.) He didn't report to Xavier.

14 MR. HODGES: Okay. I have no further  
15 questions. I'll pass the witness.

16 THE REPORTER: Before we continue, Mr.  
17 Hodges, Exhibit 10, yeah, I need a Bates label because  
18 you didn't mark it before.

19 MR. HODGES: That was Defendant's Exhibit  
20 10 and that was Bates-labeled document 00073.

21 THE REPORTER: Thank you.

22 THE WITNESS: I have a question. So I  
23 thought --

24 MR. HODGES: Can we go off the record?

25 VIDEO OPERATOR: Yes, we are off video

1 record. The time is 2:53 p.m.

2 (Recess taken from 2:53 p.m. to 3:09 p.m.)

3 VIDEO OPERATOR: We are on the video

4 record. It is 3:09 p.m.

5 FURTHER EXAMINATION

6 Q. (BY MS. JAMES) Okay, Mr. Williams, your  
7 attorney asked you some questions just before the break  
8 and I just have a few follow-up questions about some of  
9 the information you shared with him in response to those  
10 questions.

11 You mentioned, Mr. Williams, that there  
12 were nine customer accounts -- nine distributors that  
13 were assigned to you when you first started working for  
14 Shell. Do you remember that?

15 A. You said when I first started working?

16 Q. Yes.

17 A. That's -- that's not correct. When I first --  
18 no, there was a change.

19 Q. So in response to questions that your attorney  
20 was asking you, he asked you about customers that were  
21 assigned to you and you explained to him that your  
22 customers were distributors and that they were assigned  
23 to you when you became employed by Shell.

24 A. That's correct. And what's the question?

25 Q. So my question is this. To your knowledge the

1 distributors that were your customers while you were  
2 employed, were they already doing business with Shell  
3 prior to your employment?

4 A. Yeah, all the distributors were, that's  
5 correct.

6 Q. Okay. I'd like to show you Exhibit 2 which you  
7 looked at with your attorney. I believe it was 96 --  
8 Equilon 96 and I just put it up in the Chat.

9 MR. HODGES: That was Exhibit 1 and it was  
10 97.

11 Q. (BY MS. JAMES) Okay, so your exhibit -- so  
12 we'll make this -- I'm not sure what exhibit I left off  
13 on, Wendy, but can we make this an exhibit for me,  
14 Defendant's exhibit whatever the last one I left off  
15 with which this is a -- a copy of -- a complete copy of  
16 the document that Mr. Hodges showed you earlier which  
17 was marked Exhibit 2.

18 A. I'm sorry, so which one are you referring to?  
19 I don't know what you're looking at.

20 Q. Equilon 96 which is in the Chat.

21 A. Equilon 96?

22 Q. Yes.

23 A. I'm not seeing that. You didn't send it in the  
24 Chat.

25 Q. Oh, for some reason it only went to Tasha.

1 Let's try it again. Oh, sorry, it only went to Nate.

2 Okay. I don't know why my Chat keeps switching over  
3 just to him.

4 MR. HODGES: Mine is downloading.

5 THE WITNESS: It's taking awhile. I don't  
6 know why it's taking -- do you want to share your  
7 screen?

8 Q. (BY MS. JAMES) I can. So this is Exhibit --  
9 this is Exhibit 2, Equilon 97, 98 and 99. I guess it  
10 goes through 102.

11 A. I don't see the screen.

12 Q. So your attorney showed you this earlier and he  
13 marked it as Exhibit --

14 A. I don't see your screen.

15 Q. Oh, you don't see it?

16 A. No, I do not see your screen. I just see you.

17 Q. Do -- do you see it now?

18 A. No, ma'am. Okay, now I can see it.

19 Q. Do you recall your attorney showing you what's  
20 marked as Equilon 97?

21 A. Please zoom in, please. A little bit more,  
22 please. Okay, I do recall seeing this document, yes.

23 Q. Okay. Your attorney marked this as Exhibit 2.

24 MR. HODGES: Exhibit 1.

25 MS. JAMES: This was marked as Plaintiff's

1 1?

2 MR. HODGES: For plaintiff, yes.

3 MS. JAMES: Okay.

4 Q. So your attorney marked this as Exhibit 1  
5 earlier and I just want to confirm that what he showed  
6 you as Exhibit 1 is part of this -- I mean, Eddie, for  
7 completeness purposes are you putting in the whole  
8 document or are you just putting in that single page  
9 that's marked as 97?

10 MR. HODGES: The whole document.

11 MS. JAMES: So you have -- you have Equilon  
12 96 as part of Exhibit 2?

13 MR. HODGES: Yes, is that the cover page?  
14 The cover page up until 102. I think it's 96 to 102.

15 MS. JAMES: Okay. Okay, so, Wendy, this is  
16 Plaintiff's 1 which is Equilon 96 through 102. So I'm  
17 not going to be introducing my own exhibit.

18 Q. So, Mr. Williams, my question is this. This  
19 cover page indicates that Equilon 97 was something that  
20 was -- was prepared in connection with a meeting; is  
21 that correct?

22 A. Yes.

23 Q. Okay. Is this -- this cover page, the date of  
24 the meeting, July 10th through 11th, 2019?

25 A. Yes.

1 Q. And so is Plaintiff's Exhibit 1 something that  
2 you prepared in connection with the team meeting that  
3 occurred on that date, July -- in July of 2019?

4 A. Not -- I think this was compiled it might have  
5 been by Xavier because we had our individual slides and  
6 they might have taken my individual one and inserted it  
7 into the presentation for everybody.

8 Q. Okay. And so this -- the second page of  
9 Plaintiff's Exhibit 1, Equilon 97, you said that was --  
10 that shows your business performance scorecard; is that  
11 correct?

12 A. That's correct.

13 Q. Okay. And it shows the volume of business that  
14 you were producing through your distributors; is that  
15 correct?

16 A. Yes.

17 Q. Okay. And -- and it's the volume of business  
18 for the period between January 1st of 2019 through June  
19 30th of 2019; is that correct?

20 A. Yes.

21 Q. Okay. And the KPI, that was -- what does that  
22 stand for, Mr. Williams?

23 A. Key performance indicators.

24 Q. Okay. And that's how Shell calculated your  
25 bonus?

1 A. Yes.

2 Q. Okay. And I'm assuming there was some policy  
3 or document that governed how the KPIs would be used to  
4 determine what your bonus was?

5 A. Yes, that's correct.

6 Q. Earlier your attorney asked you about  
7 Mr. Puvilland having monthly and weekly meetings during  
8 your employment with Shell. I just wanted to clarify.  
9 I think you told me earlier that at first Mr. Puvilland  
10 had monthly meetings, what he called MILOs, and then  
11 later during your employment he started having weekly  
12 meetings with business-development managers on his team  
13 called WILOs, right?

14 A. Yes, ma'am.

15 Q. So first the meetings were monthly and then  
16 later at some point they became weekly; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. Now, you said -- you mentioned earlier  
19 that there were four industrial business-development  
20 managers and I just want to make sure I have those names  
21 correct. Tamika Greer, yourself and then you said Bob  
22 McDonnell and Gary.

23 A. Yes.

24 Q. And those were the four business-development  
25 managers who were on the industrial side under Mr. --

1     that worked under Mr. Puvilland?

2             A.   That's correct.

3             Q.   And Gary did you say his last name was  
4     Peterson?

5             A.   I think so.

6             Q.   Okay. And you said that Gary and Tamika you  
7     believe that they had lower sales numbers than you did?

8             A.   No, I'd say they were comparable.

9             Q.   They were comparable. How did you know that?

10            A.   Because Xavier would send out weekly --  
11     monthly -- excuse me, monthly recent wins and sometimes  
12     I would have some, sometimes Tamika would have some,  
13     sometimes Gary would have some.

14            Q.   Okay. So you're just basing that on what you  
15     saw as far as what their wins were each month?

16            A.   Yeah, what all of our wins were as a team  
17     because Xavier would send out a monthly saying this  
18     is -- these are the wins for this month and we all would  
19     get different highlights if we won, gained some business  
20     for that month.

21            Q.   And you weren't -- you weren't privy to their  
22     total sales numbers and what their bonus was, were you?

23            A.   Not -- not their bonus. No, not their bonus  
24     but I think we did have -- we did go over each other's  
25     numbers like I think the distributor business.



1 Q. And you said Gary and Tamika both had numbers  
2 that were comparable to yours?

3 A. From -- from a wins standpoint. I don't  
4 remember their formulation, I don't know if their goals  
5 were aggressive because if you -- if you look at my  
6 scorecards, that plan that they set up, they had 178  
7 percent allotted growth for new business.

8 Q. Sure. I'm just asking you though about Gary  
9 and Tamika's numbers.

10 A. Yes, I don't recall their exact numbers.

11 Q. Okay. Earlier you talked about a conversation  
12 that you had with Mr. Puvilland within the month prior  
13 to your termination about the incident with O'Rourke --

14 A. Yes.

15 Q. -- where you told him that -- was it Mr. Field  
16 with O'Rourke who you believe had racial -- racial --  
17 was demonstrating racial bias?

18 A. Yes.

19 Q. Okay. And you said that you were basing that  
20 on his behaviors?

21 A. During that meeting.

22 Q. He got mad at you for bringing up the name of  
23 the other company that you brought up?

24 A. Yes.

25 Q. Did he ever use the word "boy"?

1           A.   No.   No, he did not.

2           Q.   Okay.   So just to clarify, he told you you  
3   crossed the line and he got loud with you and later  
4   apologized but he never used the word "boy" with you,  
5   did he?

6           A.   No, ma'am.

7           Q.   Did he use any other racially-derogatory, you  
8   know, comments or names during that conversation?

9           A.   He didn't articulate a name but his tone was  
10   very demeaning.

11          Q.   What was demeaning about his tone?

12          A.   The way he -- the way he talked.   I mean, do  
13   you want me to give you an example?

14          Q.   Like his -- sure.   Like his tone of voice?

15          A.   Yeah, his tone of voice, the words he used, the  
16   way he said it.   It was like, "Hold on now.   You crossed  
17   the line.   Now, Carl, let me tell you, you know, this  
18   is..." -- yeah, I mean --

19          Q.   So it was his tone of voice and he said, "Carl,  
20   you crossed the line."   What -- was there anything else  
21   about the conversation that you considered demeaning?

22          A.   Just -- just his whole approach, you know,  
23   right there in front of his new employee.   It was just  
24   really embarrassing and it caught me off guard because  
25   Scott and I we've had numerous conversations.   We've

1    been on calls together and it's almost like somebody  
2    turning on you because it was like, "Oh, you crossed the  
3    line."

4                    "What do you mean? We're talking about  
5    business."

6           Q.   But you don't dispute that he was -- that  
7    Mr. Field was, you know, angry and upset about a comment  
8    that you made?

9           A.   Correct. And it wasn't just one comment. I  
10   mean, there's -- there's, you know, several things that  
11   were discussed that Mr. -- but I guess overall he just  
12   wasn't feeling -- I honestly thought he was having a bad  
13   day.

14          Q.   Okay. And you said Mr. Field with O'Rourke  
15   reported the incident to Bob McDonnell. That's a name  
16   that you brought up with your attorney.

17          A.   No, ma'am, he reported it to his boss. I think  
18   his boss name may be Ryan Pearson.

19          Q.   Okay.

20          A.   Because Scott is the regional sales manager for  
21   O'Rourke and he reports to I guess the Vice President of  
22   Sales for O'Rourke named Ryan Pearson and then Ryan  
23   Pearson called John McDonnell and John kind of manages  
24   the relationship with distributors.

25          Q.   Okay. So just to clarify for the record,

1 Mr. Williams, Ryan Pearson is an employee of O'Rourke  
2 and John McDonnell would be a Shell employee?

3 A. Yes, ma'am.

4 Q. Okay. And I think this is my last question,  
5 Mr. Williams. You said that Mr. Puvilland micromanaged  
6 African-American employees, I believe.

7 A. You said I said that he micro manages?

8 Q. Yeah. That's -- I just heard you say when you  
9 were explaining why -- what behaviors you believe were  
10 racially motivated by Mr. Puvilland you mentioned  
11 micromanagement of the African-American employees.

12 A. Yeah, I think I did say something along those  
13 lines. I definitely mentioned, you know, harsher  
14 treatment, negative comments, no support.

15 Q. When you say "micromanagement," what do you  
16 mean by that?

17 A. Well, like for my Caucasian counterparts he  
18 would just let them go out and do their job and as long  
19 as they're hitting their numbers they're good. But  
20 then -- but then like for myself, I mean, I can speak  
21 specifically for me, despite you saw that I was doing  
22 well with my numbers it was still like, "Oh, you need to  
23 submit all these documents. You need to submit this  
24 report." I mean, it seemed like there was -- I was  
25 expected to be on the road in the field four days a week

1 every week and -- and just the administrative stuff that  
2 he was asking for is very tedious, it was excessive, a  
3 lot of late hours.

4 Q. Yeah, so what -- what documents, reports or  
5 administrative tasks do you believe you were assigned  
6 that your Caucasian counterparts were not assigned?

7 A. I mean, that's kind of speculation. I don't  
8 know know. Like we're all supposed to update our sales  
9 pipeline. There's standard things that we have to do  
10 but some of -- some of his deadlines and stuff were  
11 unreasonable. And, you know, I would be on the road all  
12 day and, "Carl, I want this by tomorrow morning." I'm  
13 like, "Okay."

14 Q. But you don't know of any instance where he  
15 required you to submit a report that he didn't require  
16 from the Caucasian counterparts, do you?

17 A. Not specifically. I haven't verified any of  
18 that.

19 Q. And you don't know about an occasion where he  
20 required you to submit something within a tighter  
21 deadline that he allowed your Caucasian counterpart, are  
22 you?

23 A. No, I'm not aware specifically.

24 Q. Okay. And isn't it true that --

25 A. But -- but also to your question about, I

1 guess, micromanagement because I don't think I really  
2 addressed that fully, it's like it's an extra level of  
3 support and like questioning your abilities and  
4 competencies, you know, like I had to just do a lot more  
5 explaining. You know, it's like it's almost like  
6 there's a lack of trust in executing a job. So as --

7 Q. What -- I mean, like, can you give me a  
8 concrete example of a situation where Mr. Puvilland  
9 provided support that was not provided to you to a white  
10 counterpart?

11 A. I don't know about him providing support  
12 because my -- all the other BDMS expressed that, you  
13 know, he's like a corporate guy, he's not technical. I  
14 mean, industrial sales we're talking about complex  
15 machinery so --

16 Q. Well, I'm just asking you about what your --  
17 the comment you made. You said there was a lack of  
18 support for you. Are you saying that he -- that  
19 Mr. Puvilland provided support to a white counterpart  
20 that he did not provide to you?

21 A. I don't -- I don't think it was more so a lack  
22 of support. I don't know if you misunderstood what I  
23 said or maybe I misquote but I was saying that he  
24 gave -- gave them more free range to execute their  
25 business. For example, you know, he would be on a call

1 with Gary and Gary would say, "Xavier, you know, this  
2 week I'm going to go spend some time with Quality  
3 Petroleum, I'm going to do a training with this customer  
4 over here and then I'm going to do a site assessment and  
5 this is what I plan to achieve for this week. I think  
6 it's going to help me with my numbers.

7 And then like an example for me, you  
8 know --

9 Q. When -- and when did this call -- this  
10 particular call happen?

11 A. So these took place every week, the WILOs.

12 Q. Okay. But you weren't a party or -- to or  
13 privy to Mr. McDonnell's WILOs with Xavier, right?

14 A. Those are personal and individual.

15 Q. Okay. You were never privy --

16 A. But my conversations -- I was not on there with  
17 them but my conversations as we would talk amongst each  
18 other -- because he was a new supervisor. We all had  
19 Eric Boydston, all of us did, and then when Xavier came,  
20 "Oh, my goodness. Hold on now. We can't..." -- we had  
21 to practice saying his name. Like it was just different  
22 like. So we all had to get, you know, used to him and,  
23 you know, acclimated to his style. But they all made  
24 similar comments and most of them said, "Hey, you know,  
25 Xavier has a different style but, you know, he lets me

1 do my work."

2 And I'm like, "Ah, like without really  
3 micromanaging them and, you know, having to try to tell  
4 them how to do their job. He lets them do it.

5 Okay, on my end, you know, I'm -- I'm  
6 sorry, hold on. On my end I would say that, you know, I  
7 take, you know, ownership and so forth. I share what  
8 I'm doing with Xavier and what my plans are and then he  
9 may try to change my plans and, you know, offer other  
10 advice and I would, you know, send different documents.  
11 It was like -- it was more so like he would question my  
12 like competency.

13 Q. Okay. But your opinion and conclusion as to  
14 that is based on comments that Mr. McDonnell and other  
15 business-development managers made about their working  
16 relationship with Mr. Puvilland?

17 A. Yes.

18 Q. Okay. And, I mean, you mentioned about  
19 Mr. Puvilland elevating other people's wins or  
20 highlighting other people's wins I guess during team  
21 meetings or in team announcements. I mean, there were  
22 instances I believe you testified earlier that  
23 Mr. Puvilland mentioned certain wins -- business wins  
24 that you had, correct?

25 A. You said I said that or were you asking a



1 question?

2 Q. I'm asking a question. I mean, there were  
3 instances in which Mr. Puvilland highlighted wins by  
4 you?

5 A. Yes. Yes, that's correct. Via e-mail and  
6 verbally.

7 Q. Okay.

8 A. Because he said I was making strong progress  
9 and doing well. But something that I think is very  
10 important to mention that I forgot to interject earlier  
11 is you know Mr. Lucas Kerley? Correct, you remember  
12 Mr. Lucas Kerley?

13 Q. Yep.

14 A. So he shared with me when I told him after I  
15 was terminated, he said that I was wrongfully racially  
16 terminated and he told me that I should sue Shell and he  
17 said he saw another example with a white Shell employee  
18 in California who had a similar issue with a distributor  
19 and he said they simply reassigned him to work with  
20 another distributor.

21 Q. Do you know what was the name of the white  
22 employee in California?

23 A. I do not. I do not remember the name.

24 Q. Do you know who -- and I'm assuming this white  
25 employee was not in your division with you reporting to

1 Mr. Puvilland?

2 A. Correct. No, this is before. Because Lucas  
3 had been with Shell, I don't know, about five or six  
4 years ago and he recalled very specifically working with  
5 other BDMS like myself and there was an incident where a  
6 distributor, you know, something didn't go well at a  
7 meeting or, you know, they just said, "Hey, we don't  
8 want to work with this guy." Shell, you know, they made  
9 arrangements to keep that employee employed and  
10 supported and they just assigned him to another  
11 distributor I believe and then he eventually got a  
12 different role but there was no --

13 Q. And this was -- was an employee in California  
14 and this occurred prior to your employment?

15 A. Yes.

16 Q. And this is something that Mr. Kerley told you  
17 about?

18 A. Yes.

19 Q. Did anyone else tell you about this situation?

20 A. No, no.

21 Q. Okay. Did you ever have any conversations with  
22 Shell management or see any documentation related to  
23 this situation that you just mentioned?

24 A. No, ma'am.

25 Q. And you said you don't know the name of the

1 white employee that was engaged in what you call similar  
2 behavior?

3 A. Correct. Behavior? More so it was the same  
4 experience. Similar experience.

5 Q. Okay.

6 MR. HODGES: Okay, we're at -- we're at  
7 3:30 right now. We're at 3:30 right now. I'm not sure  
8 how much longer you've got but --

9 MS. JAMES: I've got a couple more  
10 questions on what Mr. Williams just interjected and  
11 raised here at the end.

12 Q. Mr. Williams, you said you don't know the  
13 employee's name. Do you know any particulars about the  
14 conduct that caused the distributor to not want to work  
15 with the employee any longer?

16 A. I do not. I do not have -- I do not know  
17 details.

18 Q. And do you know how Mr. Kerley knows about the  
19 situation involving this employee in California?

20 A. I believe at the time because he supports --  
21 he's a technical expert that spends times with BDMS like  
22 myself so I don't want to speculate and say he supported  
23 that rep but I know he had a relationship with the rep  
24 and was familiar with what took place.

25 Q. But you don't know specifically how he's

1 familiar with it?

2 A. No, ma'am.

3 Q. All right.

4 A. I have one more thing.

5 Q. Okay. Well, it is 3:30 and if you're --

6 A. This is the last one. This is the last one.

7 Q. I'm going to probably have questions about it  
8 but go ahead.

9 A. We're wrapping up finally. So Mr. Xavier  
10 Puvilland in that 1,400-page document there's some  
11 comments in there where he agreed to implement -- so  
12 when we would have -- when we started having our MILOs,  
13 right, he would not send out an agenda. We would just  
14 get on a call, not know what we're going to talk about,  
15 what we're going to do and I said, "Hey, Xavier. Will  
16 you please prepare an agenda so, you know, we'll know  
17 what will be discussed. Maybe we can prepare some  
18 things. I have some suggestions." I said, "Will you  
19 also allow us to do an around the horn where each person  
20 will go around sharing best practices, what's going  
21 well, what's not, what are they saying in the  
22 marketplace." And, you know, he implemented that. So I  
23 started to say I'm not sure like -- I don't know if he  
24 like (indiscernible) for that or something but I'm like,  
25 you know, he even, you know, took suggestions from me

1     like I guess coaching him on how to conduct the call and  
2     add structure to it and an agenda and he -- and he  
3     implemented my suggestion.

4           Q.   And why do you think this is significant,  
5     Mr. Williams?

6           A.   You know, it kind of relates to one of those  
7     intangible almost performance type what you bring to a  
8     company and a team and a manager and also it kind of  
9     highlights many of my peers that are experienced with  
10    Shell. And the previous manager that -- I remember  
11    Tamika's previous boss was a lady and Tamika had a  
12    personal relationship with her and Xavier's peers I  
13    guess the people before him the lady said -- she was a  
14    manager, say he wasn't qualified. She don't know how he  
15    got the job.

16          Q.   You said that -- Xavier's predecessor in his  
17    role?

18          A.   It was -- Tamika had a lady supervisor, I think  
19    she was based out of Louisiana and -- I can't think of  
20    her name -- but it was right before Xavier transitioned  
21    into the role and I think it was like in the fall. It  
22    was either like 2019, I believe, or 2018 -- no, it was  
23    on 2019 because I was with the company and the lady  
24    transitioned to a different role but her previous  
25    supervisor -- said I think it was -- but she mentioned

1     that -- you know, because she was a manager, same role  
2     that Xavier had assumed and they just said -- I mean,  
3     there was like a common theme that that manager  
4     expressed that other managers said they don't -- that  
5     they didn't think he was qualified.

6           Q.   Okay.  So the statement -- or the belief that  
7     Mr. Puvilland was not qualified, that's a statement that  
8     was made by Tamika's former manager --

9           A.   Right.

10          Q.   -- to Tamika and Tamika relayed that statement  
11     to you?

12          A.   Correct.

13          Q.   And the -- the -- the statement that he was not  
14     qualified, did you interpret that to mean not qualified  
15     to be (simultaneous speaking) --

16          A.   Doesn't have the skills to be a manager, not a  
17     people person and even on my end, I mean, the guy didn't  
18     even -- wasn't organized enough to have an agenda, you  
19     know, on his monthly calls.  So I saw gaps in his own  
20     competencies.

21          Q.   Okay.

22          A.   All right.  And that's it.

23          Q.   All right.

24                   VIDEO OPERATOR:  That concludes our  
25     deposition today.

1 MR. HODGES: First, I just have one  
2 question. I think she passed the witness. I just have  
3 one question before you close.

4 VIDEO OPERATOR: Okay.

5 MR. HODGES: Are we still on?

6 FURTHER EXAMINATION

7 Q. (BY MR. HODGES) Mr. Williams, you mentioned  
8 that at a certain point in time that your MILO meetings  
9 became WILO meetings from monthly to weekly. Do you  
10 know if that was the case for any other BDM?

11 A. Yes, sir, these were standard for all of us.

12 MR. HODGES: Okay. That's all my  
13 questions. I pass the witness.

14 MS. JAMES: No further questions.

15 VIDEO OPERATOR: That concludes our  
16 deposition today. It is 3:37 p.m. and we're off the  
17 video record.

18 (Deposition concluded at 3:37 p.m.)

19

20 Reporter's Note: According to Federal Rule  
21 30(e)(1), the request for review of the deposition by  
22 the witness is accomplished "on request by the deponent  
23 or a party before the deposition is completed."

24 Since this was not done, signature is  
25 considered waived for this transcript.

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION  
4  
5 CARL O. WILLIAMS, )  
6 )  
7 Plaintiff, )  
8 )  
9 VS. ) NO. 4:20-cv-04295  
10 )  
11 SHELL OIL COMPANY, )  
12 )  
13 Defendant. )  
14 )  
15 )

9  
10 REPORTER'S CERTIFICATION  
11 DEPOSITION OF CARL O. WILLIAMS, JR.  
12 NOVEMBER 5, 2021  
13 I, Wendy Schreiber, Certified Shorthand Reporter in  
14 and for the State of Texas, hereby certify to the  
15 following:  
16 That the witness, CARL O. WILLIAMS, JR., was duly  
17 sworn by the officer and that the transcript of the oral  
18 deposition is a true record of the testimony given by  
19 the witness;  
20 That examination and signature of the witness to  
21 the deposition transcript was waived by the witness and  
22 agreement of the parties at the time of the deposition;  
23 That the original deposition was delivered to  
24 KINDALL C. JAMES, ESQ.;  
25 That the amount of time used by each party at the  
deposition is as follows:



1           KINDALL C. JAMES, ESQ. - 02 HOURS:32 MINUTE(S)  
          EDDIE HODGES, JR., ESQ. - 01 HOURS:21 MINUTE(S)

2

3           That \$\_\_\_\_\_ is the deposition officer's  
4   charges to the Party for preparing the original  
5   deposition transcript and any copies of exhibits;

6           That pursuant to information given to the  
7   deposition officer at the time said testimony was taken,  
8   the following includes all parties of record:

9   FOR THE PLAINTIFF:

10          EDDIE HODGES, JR., ESQ. (Appearing Remotely)  
          KENNARD LAW, P.C.  
11          5120 Woodway Drive  
          Suite 10010  
12          Houston, Texas 77056  
          Phone: (210) 888-1393  
13          eddie.hodges@kennardlaw.com

14   FOR THE DEFENDANT:

15          KINDALL C. JAMES, ESQ. (Appearing Remotely)  
          LISKOW & LEWIS  
16          1001 Fannin, Suite 1800  
          Houston, Texas 77002  
17          Telephone: (713) 651-2945  
          Facsimile: (713) 651-2908  
18          KJames@liskow.com

19

20          That a copy of this certificate was served on all  
21   parties shown herein on \_\_\_\_\_ and filed  
22   with the Clerk pursuant to Rule 30(e)(1).

23          I further certify that I am neither counsel for,  
24   related to, nor employed by any of the parties or  
25   attorneys in the action in which this proceeding was

1 taken, and further that I am not financially or  
2 otherwise interested in the outcome of the action.

3 Certified to by me this 15th day of November, 2021.

4

5

*Wendy Schreiber*

6

Wendy Schreiber, Texas CSR 9383

Expiration Date: 05/30/22

7

MAGNA LEGAL SERVICES

Magna Registration No. 633

8

7 Penn Center

1635 Market Street

9

8th Floor

Philadelphia, Pennsylvania 19103

10 Job No. 765405

(214) 207-9657

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12

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EEOC Form 6 (11/20)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s).

☐ FEPA☐ EEOC**460-2020-05575****Texas Workforce Commission Civil Rights Division**

and EEOC

State or Local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**MR. CARL O. WILLIAMS, JR.**

Home Phone (Indicate Area Code)

**334-669-4055**

Date of Birth

**11/23/1984**

Street Address

**5201 MEMORIAL DRIVE, APT # 310**

City, State and ZIP Code

**HOUSTON, TX 77007**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**SHELL OIL COMPANY**

No. Employees, Members

**90,000+**

Phone No. (Include Area Code)

**832-337-2000**

Street Address

**150 N DAIRY ASHFORD RD**

City, State and ZIP Code

**HOUSTON, TX 77079**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02/05/2019****03/20/2020**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I started working at Shell Oil Company 18<sup>th</sup> January 2019. On February 5<sup>th</sup>, 2019, two weeks into my employment, white female Shell colleague, Holly Burns, confronted me at an employee meeting reception in a bar area near other coworkers. She was infuriated and told me that I was too confident and cocky and that I needed to earn my stripes and pay my dues. My manager and another fellow manager coached me individually the following day about this incident. I did not do anything wrong, but this was a bad look considering this was only my second week being employed by Shell.

On June 3<sup>rd</sup>, 2019, I have actually been on a sales call on my job for the first time. Prior to this date, I experienced informal training, field rides with experienced employees and introductions to distributors whom I would start supporting.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agencies

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
 SIGNATURE OF COMPLAINANT

*Carl O. Williams, Jr.*

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25<sup>th</sup> day of August, 2020.

**August 25, 2020**



**8/25/20** *Carl O. Williams, Jr.*

Date

Charging Party Signature

**DEFENDANT'S  
EXHIBIT**

**2**

FF-100 Form 5 (12/19)

**CHARGE OF DISCRIMINATION**

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Charge Presented To: Agency(ies) Charge No(s).

☐ FEPA☐ EEOC**460-2020-05575****Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If this space is needed, attach and/or show(s))

On October 9th, 2019, I have experienced another humiliating act of discrimination against me. A white male Shell coworker named Clement Delahunt ("Mr. Delahunt") grabbed my butt while at a company celebration event in Miami. Another Shell colleague Damon Higginbotham observed me confront Mr. Delahunt verbally; there was no physical altercation. A sales manager was informed of the incident on the scene and Mr. Delahunt was told to go to his hotel room, however, to my dismay, no other disciplinary action was taken against Mr. Delahunt. I decided not to engage with HR out of fear that my career would be in jeopardy if I did as I was with the company only for 10 months. Management did not do any follow up activities or check in with me about the incident.

On October 28th, 2019, my supervisor Xavier Puvilland ("Mr. Puvilland") and I conducted my end of the year performance review via Skype. During this call Mr. Puvilland left positive and acceptable performance comments about me considering my short tenure with the company.

At the beginning of 2020, I was given more responsibilities. On January 1st, my sales territory changed from south and central Texas and western Louisiana to the entire state of Texas and Oklahoma. I formerly supported only 3 lubricant distributors, and at the beginning of 2020, I had 8 distributors to support.

Unfortunately, my success at work was cut short for no fault of my own. On February 11th, I had a customer site visit and a lunch meeting with a distributor sales manager Scott Fields ("Mr. Fields") and his new employee Adrianna Pierce from O'Rourke Petroleum. Mr. Fields got infuriated over me asking him some purely professional questions about products and services. After this short incident we continued with our lunch and I thought things were back to normal. I thought Mr. Fields was simply having a bad day. I have been working with Mr. Fields and his sales team very frequently since June of 2019. Several days later, on February 17th, my supervisor, Mr. Puvilland, informed me about the incident and complaint from Mr. Fields. Mr. Fields told his manager Ryan that I was unprofessional during our meeting and Ryan called my supervisor's boss John McDonnell and shared that O'Rourke Petroleum would no longer want to work with me as their Shell representative. Mr. Puvilland asked me to stop working with and contacting O'Rourke Petroleum altogether and to write a summary of what took place from my perspective. He also asked me to write a strategy on how I will achieve my sales goals without working with O'Rourke Petroleum. I received an unfair treatment from Shell as in a similar incident my Caucasian colleague Lucas Kerley (Mr. Kerley) was not terminated but merely coached.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS

(month, day, year)

August 25, 2020

8/25/20

Date

Carl O'Rourke

Charging Party Signature





EEOC Form 5 (11-09)

**CHARGE OF DISCRIMINATION**

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Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☐ EEOC**460-2020-05575****Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE: (If additional paper is needed, attach extra sheet(s)):

Mr. Kerley accused Breaux Petroleum a distributor that I was assigned to of not wanting to work with me because of my race. I was removed from this assignment and replaced with a white counterpart. Mr. Kerley informed Breaux Petroleum directly that they should no longer have any issues with their newly assigned sales representative because he was Caucasian. Breaux Petroleum was very offended that Mr. Kerley accused the company of discrimination and racism. Mr. Kerley continued to work with Breaux Petroleum after this incident.

Following O'Rourke incident, on March 16th, during a scheduled virtual strategy meeting to review my sales pipeline and strategy to gain new business with Mr. Pullivand, there was also an HR person on the Skype call named Kristia Encarnacion ("Ms. Encarnacion"), which was completely unexpected. During this call, I was told that I was terminated from the company immediately due to unacceptable performance. I was in total and utter disbelief as I have had no previous warnings, coachings or performance improvement plans. Declaration of my supposedly unacceptable performance was completely unexpected as my 2019 end year performance review on October 28th, 2019 was very positive. Furthermore, several days prior to this conversation I received a \$23,000 sales bonus for meeting my sales objectives for 2019. I have also been doing well in 2020 and have continued to perform well accordingly. I told Mr. Puvilland the he must have terminated me due to the incident with Mr. Fields. Mr. Puvilland went on to say that I will receive one more paycheck on March 30th and that will be the last day for my medical/dental benefits. He also said that I will be paid for my unused vacation days in my last pay stub and that I can file for unemployment. The HR rep, Ms. Encarnacion did not offer me any advice other than to call Shell's HR Operations support team number for additional support.

I believe I was discriminated against on the basis of my race (African-American) in violation of Title VII of the Civil Rights Act of 1964, as amended, and retaliated against for engaging in a protected activity.

I want this charge filed with both the EEOC and the State or local Agency. If any I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

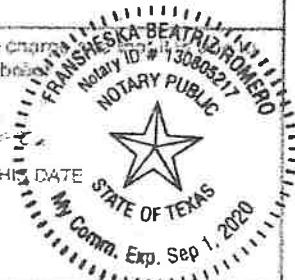
NOTARY When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

August 25, 2020



Date

Charging Party Signature

## Acknowledgement of Receipt of the Code of Conduct

Please click on the link below to view the Code of Conduct document.

[Click here to view the Code of Conduct](#)

As an employee of Shell, I acknowledge the following:

**1. I have been given access to a copy of the Shell Code of Conduct. I understand:**

- ☐ I am required to read, understand and comply with the spirit and the letter of the Code of Conduct and its underlying principles and policies. The Code includes the general business principles that govern how each of the Shell companies that make up Royal Dutch Shell conducts its affairs, as well as the specific policies applicable to all Shell in the U.S. companies and employees.
- ☐ I am expected to follow the procedures for obtaining guidance about the Code of Conduct. I agree it is my responsibility, given the general and specific duties of my job, to get training or seek guidance on specific issues.
- ☐ I am expected to follow the procedures for obtaining guidance about the Code of Conduct. I agree it is my responsibility, given the general and specific duties of my job, to get training or seek guidance on specific issues.
- ☐ I am expected to follow the procedures for reporting ethics and compliance issues. I agree to report any activities or conduct that I have a good faith reason to believe are a violation of the Code. I understand that the Company will not tolerate retaliation against me for taking such action.

**2. I acknowledge that I am required to read, understand, and comply with these detailed Shell Ethics and Compliance Policies. I also agree to read, understand and comply with other detailed policies in the Code should my job require me to have such knowledge.**

- A. HSSE & Social Performance
- B. Sustainable Development
- C. Equal Opportunity
- D. Harassment
- E. Human Rights
- F. Bribery & Corruption
- G. Dealing With Government Officials
- H. Conflicts of Interest
- I. Insider Dealing
- J. Money Laundering
- K. Political Activities and Payments
- L. Antitrust
- M. Export Controls and Sanctions
- N. Protection of Assets
- O. Intellectual Property
- P. Personal Use of IT
- Q. Data Privacy and Protection
- R. Records Management
- S. Business Communications
- T. Public Disclosure

By initialing the box below, I certify that I have read the above information, and I agree to the conditions of hiring.

Your Initials: COW

Date: 1/18/2019



## Acknowledgement of Receipt of Other Policies

As an employee of Shell, I acknowledge the following:

1. **I have been given access to copies of the documents listed below. I understand that I am required to read, understand, and comply with them. As an employee, I can access certain of these documents at the indicated web location. I further understand that I am expected to check applicable websites periodically and it is my responsibility to obtain any modified or replacement documents.**

- a. Life Saving Rules Overview - [Click here to view the document](#)
- b. Personal HR Data Privacy Guideline - [Click here to view the document](#)
- c. Shell Resolve - [Click here to view the document](#)
- d. Smoke-Free Workplace Policy - [Click here to view the document](#)
- e. Weapons Policy - [Click here to view the document](#)
- f. Substance Abuse Policy - [Click here to view the document](#)
- g. Workplace Violence Policy - [Click here to view the document](#)
- h. Solicitation/Distribution Policy - [Click here to view the document](#)
- i. Shell Equal Opportunity Policy - [Click here to view the document](#)
- j. Shell Anti-Harassment Policy - [Click here to view the document](#)
- k. Shell Pay Transparency Policy - [Click here to view the document](#)

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**By initialing the box below, I certify that I have read the above information.**

**Your Initials:** COW

**Date:** 1/18/2019

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Revised 2/2014

Message

**From:** Williams, Carl O SLUBE-DIU/512 [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D5E686A8B3B4534820982041B9D5431-USCWM5]  
**Sent:** 2/19/2019 1:53:14 PM  
**To:** Burns, Holly M SLUBE-DIU/812 [holly.burns@shell.com]  
**Subject:** Indirect Team Meeting

Hi Holly,

I hope all is well. I want to apologize for engaging in a verbal conflict with you near the bar during the evening at our indirect team meeting after hours event. I want you to know that after 10 years of working in oil and gas at Exxon, that I am very excited to be working for Shell and look forward to the challenge of growing the indirect industrial lubricant business in my area. I hope that you and I can move past our small infraction and work together to help us win in the market place. As a new employee to Shell and to the industrial line of business, I appreciate any support or recommendations that you can offer to help me grow and succeed. Perhaps we can catch up during our next team meeting/event. In the meantime, I wish you well in growing the business in your area.

All the Best,

Carl O. Williams, Jr.  
Industrial Business Development Manager  
Shell Lubricants  
Tel: 281-781-6096  
Email: [Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)  
[Why choose Shell? Learn more](#)





Message

**From:** Puvilland, Xavier SLUBE-DIU [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C7F7A3AE9FB04F988567BDA20664E08D-FRXP0]  
**Sent:** 2/17/2020 12:53:59 PM  
**To:** Williams, Carl O SLUBE-DIU [carl.o.williams@shell.com]  
**Subject:** O'Rourke support  
**Importance:** High  
**Sensitivity:** Company Confidential

Carl,

Following our discussion this morning, just wanted to re-confirm the following actions:

- Send me your account from the German Pellets visit last week with O'Rourke, and the lunch with their personnel which followed by tonight COB or tomorrow morning latest
- Prepare an overview of the ongoing opportunities worked with O'Rourke, as detailed as possible in terms of history and current state of the discussions with those prospects by Friday COB
- Review your strategy and what it would look like if you were not supporting O'Rourke in the future by Friday COB
- Review the plan for the meetings organized next week with O'Rourke and prospects (Genesis Marine and Sumiden Wire) in light of the current state of the relationship with O'Rourke

As discussed:

- From now on and until further notice, as I want to be able to get to the bottom of this and understand what is the best way for us to restore the relationship with O'Rourke to normal, put on hold any activities you might have with them and please refrain from having proactive communications with them. If you have to have discussions with them, it should just be limited to dealing with day-to-day business activities.
- I'm surprised there was again no formal POPSA done ahead of this call, even if the timing was short notice, given the recent discussion following the issue during the High Roller Sands in January

Thanks and we'll talk again on Friday at 2pm.

**Xavier PUVILLAND**

Indirect Business Development Lead - US

**Tel:** +1 832 762 2452

**Mob:** +1 281 716 0792

**Email:** [xavier.puvilland@shell.com](mailto:xavier.puvilland@shell.com)

**Internet:** <http://www.shell.com>



Message

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**From:** Williams, Carl O SLUBE-DIU [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D5E686A8B3B4534820982041B9D5431-USCWM5]  
**Sent:** 2/17/2020 7:10:36 PM  
**To:** Puvilland, Xavier SLUBE-DIU [xavier.puvilland@shell.com]  
**Subject:** O'Rourke Sales Call Summary with German Pellet Mill Port Arthur TX on February 11th.  
**Attachments:** 2\_11\_17 ORourke customer German Pellet Mill Storage Visit and Lunch Summary.docx

Hello Xavier,

Per our request, I would like to share my account on what took place before and shortly after my sales call visit with O'Rourke at German Pellet Mill Storage site located at 100 W Lakeshore Dr., Port Arthur, TX 77640. Since my email response draft was a little lengthy, I decided to insert my response in the Word document attached. Please let me know your thoughts and provide me further guidance on this Friday during our next call. I hope you can also get alignment with John and Jarrett on how we should approach this matter.

**Industrial Business Development Manager**  
**Shell Lubricants**  
**Cell: 281-781-6096**  
**Email: [Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)**  
**[Why choose Shell? Learn more](#)**



Hello Xavier,

Per our request, I would like to share my account on what took place before and shortly after my sales call visit with O'Rourke at German Pellet Mill Storage site located at 100 W Lakeshore Dr., Port Arthur, TX 77640.

On Thursday February 6<sup>th</sup>, Scott Fields and I had a brief phone call about his desire for me to start working more with his new rep in the Beaumont area named Adrianna Pierce. During this call, Scott basically stated that he would expect Adriana and I to have more success selling Shell in the Beaumont area because Adriana knows a lot of people in industry there locally.

On Monday, February 10<sup>th</sup>, I had a scheduled pipeline review call with Jarrett and Scott regarding O'Rourke's Industry Sales Pipeline and upcoming activities. During this call, Scott mentioned that he and Adriana had a visit scheduled on tomorrow, Tuesday February 10<sup>th</sup> at the German Pellet Mill Storage location in Port Arthur Texas but he wasn't sure of the time. On this call, I asked Scott if he needed my support during this visit and if he thinks this a good opportunity for him to personally introduce me to Adriana. Scott agreed that he would like for me to attend to represent Shell and that he would like for me to meet Adriana. I then asked Scott what is our objective of the call and what will be my role during the meeting. Scott replied that we are going meet with the customer and do an informal site assessment to examine their operations and storage and handling of their lubricants. After the call, I texted Adriana around 2pm on Monday to confirm the time and address and she confirmed that it was at 9am on Tuesday. I called Adriana around 3:30pm on Monday afternoon to introduce myself and to gather more information about this customer and the guests whom we will be meeting with.

On Tuesday, February 11<sup>th</sup>, I met Scott and Adriana directly at the customer's site. We put on our PPE gear and went directly inside the customer's office to meet with Bryan Dow, the general manager for this facility and the Woodville plant location. At the same time, we also meet with the terminal manager Torye Harrison and the Operations/Logistics manager Ty Smith. Adriana led the initial conversations with the customer since she had a previous relationship with Ty. She also introduced Scott and me to the customer. After I introduced myself, I asked the customer to help me understand their individual roles at the facility. Bryan, Torye, and Ty each explained their role and what areas they could use support. Whenever the general manager Bryan spoke, he was very comical and displayed comfort in discussing their business and some non-business content to us. After all three individuals from German Pellets spoke, Scott explained that we would like to do a walk through to examine their lubricants and operations.

We were then led by Ty to examine their lubricant store area. I took pictures of about 14 different products (gear oils, hydraulic oil, greases, and axle oil) from multiple brands that they had in storage mainly in pails and some drums. Upon examining that all of their lubricants were held in a small shipment container, I stopped conducting my formal site assessment using the Lubepro app on my iPad. We then we went back into the customer's office to discuss our observations and next steps. There were numerous product duplications with their gear oil and hydraulic oil, so Scott discussed product consolidation and the possibility of providing them with a small tank and an e-tank monitoring device. The customer also expressed needs for a fuel tank/fuel island because they are getting 5 new trucks and will be added more. Scott mentioned that he could accommodate those needs as well.

At the end of the meeting, Adriana agreed to follow up with the customer with a consolidated product offer, pricing, and equipment solution options. At the conclusion of our meeting as we return to our

cars, Scott, Adriana, and I agreed that the meeting went very well and we decided to have lunch together at Rodair Roadhouse. During lunch, we discussed that the meeting went well and that there was no additional support need from me to transition this account. We acknowledged that although this account was small in volume ~1.5K gals, since it is an extension of the German Pellet Mill opportunity which consumes about 25 drums of grease a month, we felt the visit was worthwhile and I was glad to have the opportunity for Scott to introduce me to Adriana.

During lunch, I had asked Scott to tell me more about how O'Rourke supports industry accounts when they have service needs and he mentioned that he has about 8 different service providers that they use depending on the service needed. I then asked Scott if O'Rourke has ever considered working with RelaDyne Reliability Services especially since Shell has a national agreement with the services division. Scott was visibly perturbed that I raised this question and responded in an offensive manner that he would never work with RRS. He went on to say that RelaDyne stole the business of an O'Rourke account in the past and sometimes he said they would low ball one of O'Rourke's existing Shell accounts by switching it to Chevron and then switch it to Shell. I told Scott that I apologize for offending him in asking him that question and that I was not aware of the history between the two companies.

I also asked Scott if there was Royal Purple barrier fluid being used at the Motiva Plant where O'Rourke provides them predominantly with Shell lubricants. Scott responded defensively and stated that Motiva requested Royal Purple and that other distributors should not tell me about what non-Shell products are in an O'Rourke account. I did not disclose to Scott where I got that information from, but I could tell that he was irritated by me raising the question altogether.

Lastly, we concluded our lunch conversation with when can Adriana and I start working together, and she mentioned that she was on vacation during the week of Feb 17-21<sup>st</sup> and would not have time to set up visits for the following week. Since this was the case, I offered to get at least two meetings set up at two accounts that I called on independently in the fall that I would like to work with O'Rourke on. I was able to secure a meeting with my contacts at Genesis Marine and Sumiden Wire for Wednesday Feb 26<sup>th</sup> and sent calendar invitations to Scott, Adriana and the customer in which they all accepted. I also explained to Scott that Xavier would be joining us on those visits that I set up on Feb 26<sup>th</sup>.

Considering the progress, new account gains, and growing relationship that I have built with Scott and O'Rourke over the past 8 months, I am utterly appalled that the discussions that were exchanged at lunch was escalated to senior managers at O'Rourke and Shell. I'm really baffled by Scott's response considering the momentum that I am building with O'Rourke's rep Robert Hernandez in the DFW area and the promising future to work with Adriana in the Beaumont area. I really wish this was handled a different way, and I hope that my relationship with O'Rourke can be restored.

**Industrial Business Development Manager**

**Shell Lubricants**

**Cell: 281-781-6096**

**Email:** [ [HYPERLINK "mailto:Carl.O.Williams@shell.com"](mailto:Carl.O.Williams@shell.com) ]

[ [HYPERLINK "https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lube-education.com%2Ffp%2Finfocenter%2Foverview.html&data=02%7C01%7CJeremy.Strausbaugh%40shell.com%7C4374ad5345334ef0ee7f08d5ecfd3de2%7Cdb1e96a8a3da442a930b235cac24cd5c%7C0%7C0%7C636675494795140224&sdata=QO496gGuaWlZ4Vc3afxcyLN7MnncC%2BBmcEcUdKgWBXE%3D&reserved=0"](https://emea01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lube-education.com%2Ffp%2Finfocenter%2Foverview.html&data=02%7C01%7CJeremy.Strausbaugh%40shell.com%7C4374ad5345334ef0ee7f08d5ecfd3de2%7Cdb1e96a8a3da442a930b235cac24cd5c%7C0%7C0%7C636675494795140224&sdata=QO496gGuaWlZ4Vc3afxcyLN7MnncC%2BBmcEcUdKgWBXE%3D&reserved=0) ]



## Message

**From:** Williams, Carl O SLUBE-DIU [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D5E686A8B3B4534820982041B9D5431-USCWM5]  
**Sent:** 1/14/2020 7:33:02 PM  
**To:** Puvilland, Xavier SLUBE-DIU [xavier.puvilland@shell.com]  
**CC:** Enochs, Jarrett W SLUBE-DIU [jarrett.enochs@shell.com]  
**Subject:** Re: High Roller Sand (Monahans, TX)

I accept responsibility on making sure I get better POPSAs and pre-call information with all of my distributors moving forward. Thank both of you for your support. I look forward to better prepared engagements with O'Rourke moving forward.

Sent from my iPhone

> On Jan 14, 2020, at 6:43 PM, Puvilland, Xavier SLUBE-DIU <Xavier.Puvilland@shell.com> wrote:  
 >  
 > Carl, Jarrett,  
 > Thanks to both of you for our open discussions today on this matter.  
 >  
 > Jarrett,  
 > As discussed thanks to give the feedback to O'Rourke that the quality of the prework from the DSRs needs to improve in some cases (last week's visit in Dallas, this one in Odessa) to make a better use of the BDM support - the BDM won't be able to support those visits if he's not getting the right level of information to do his pre-work too.  
 >  
 > Carl,  
 > Clearly a miss on our end as well, the right quality of POPSA would have caught this mismatch ahead of time, we need to improve this on our end too.  
 > If you're not getting the right level of preparation and support from the DSR, it's OK not to invest time and resources in non productive visits and to make that clear to them.  
 >  
 > Any question please let me know.  
 >  
 > Thanks,  
 >  
 > Xavier.  
 >  
 > -----Original Message-----  
 > From: Enochs, Jarrett W SLUBE-DIU/C <jarrett.enochs@shell.com>  
 > Sent: Tuesday, January 14, 2020 4:04 PM  
 > To: Williams, Carl O SLUBE-DIU/A <Carl.O.Williams@shell.com>  
 > Cc: Puvilland, Xavier SLUBE-DIU <Xavier.Puvilland@shell.com>  
 > Subject: RE: High Roller Sand (Monahans, TX)  
 >  
 > Carl,  
 >  
 > When you did your pre-call with them to evaluate the opportunity and prepare for the call what brand of products did they say they were purchasing?  
 >  
 > Thanks,  
 >  
 > Jarrett  
 >  
 > -----Original Message-----  
 > From: Williams, Carl O SLUBE-DIU/A <Carl.O.Williams@shell.com>  
 > Sent: Tuesday, January 14, 2020 3:56 PM  
 > To: Enochs, Jarrett W SLUBE-DIU/C <jarrett.enochs@shell.com>  
 > Cc: Puvilland, Xavier SLUBE-DIU <Xavier.Puvilland@shell.com>  
 > Subject: High Roller Sand (Monahans, TX)  
 >  
 > Jarrett,  
 >  
 > Upon my site assessment meeting today at High Roller Sands, I uncovered that this is an existing DFOA account. It is under the name Wisconsin Proppants which is a subsidiary of Schlumberger. High Roller Sands is the on-site management company who does the work but Schlumberger owns the equipment. O'Rourke currently delivers to this account.  
 >



> I guess it was difficult for you and Justin to identify this as a DFOA account due to its naming.  
>  
> It seems like the Midland market area contains a lot of DFOA accounts. Since O'Rourke's sales manager Justin is over West Texas, I really need your help in understanding what distributor paper opportunities are here in this market for me to support the local rep Devin.  
>  
> Will you please help Justin identify distributor paper targets for industry and maybe a top 10 prospect list for West Texas?  
>  
> We did identify a large construction opportunity called Rango. Perhaps that can be a start.  
>  
> Let me know your thoughts.  
>  
>  
>  
>  
>  
> Sent from my iPhone

Message

**From:** Puvilland, Xavier SLUBE-DIU [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C7F7A3AE9FB04F988567BDA20664E08D-FRXPU0]  
**Sent:** 11/1/2019 1:53:49 PM  
**To:** Williams, Carl O SLUBE-DIU/A [carl.o.williams@shell.com]  
**Subject:** RE: EYR Discussion Feedback

Carl,

Thanks for your reply, I trust we are now aligned on development priorities and this should ensure your future success.

Please let me know when you need support – I'm already actively working to ease the lead generation process, but it will take another few weeks, so in the meantime please continue to proactively develop this list.

Any other questions please let me know, I'm available to help.

Thanks,

Xavier.

**From:** Williams, Carl O SLUBE-DIU/A <Carl.O.Williams@shell.com>  
**Sent:** Thursday, October 31, 2019 7:18 PM  
**To:** Puvilland, Xavier SLUBE-DIU <Xavier.Puvilland@shell.com>  
**Subject:** RE: EYR Discussion Feedback

Hey Xavier,

Thanks for taking the time to read my post EYR discussion comments and to provide your clarifying statements. I have a good understanding on expectations and deliverables moving forward and will work expediently to close any gaps. I realize I've experienced an accelerated pace of change (Shell infrastructure, new role, new supervisor) in a very short time frame and I'm getting up-to-speed.

All the Best,

Carl O. Williams, Jr.  
Industrial Business Development Manager  
Shell Lubricants  
Cell: 281-781-6096  
Email: [Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)  
[Why choose Shell? Learn more](#)



**From:** Puvilland, Xavier SLUBE-DIU <[Xavier.Puvilland@shell.com](mailto:Xavier.Puvilland@shell.com)>  
**Sent:** Thursday, October 31, 2019 1:28 PM  
**To:** Williams, Carl O SLUBE-DIU/A <[Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)>  
**Subject:** RE: EYR Discussion Feedback





Carl,

Thanks for taking the time to try to clarify any gaps which you believe would be missing for me to assess your performance.

That said, I am not in agreement with how you are relating some of the elements of our EYR discussion. I was not planning to get into a "I said / he said" discussion, but some elements are taken out of their context and misrepresenting the situation, and I want to clarify those. Also, I simply do not agree with some of your statements. Since there has been some lack of clarity for you on my coaching I thought it would be helpful to outline this in writing to ensure you are clear on my message.

- Contrary to what you're saying, there has been **perfect communication between Eric, your previous line manager, and myself**. I entered myself the notes from your mid-year review with Eric in the system and had many discussions with him. The emphasis I have put on pipeline management does not contradict any of the statements there, it just comes on top, and was central to all the reviews and discussions we had together since July; additionally I do not agree that all of the items listed in there were well executed, but my objective is not to comment on those in this email.
- I did not "acknowledge and apologize for not conveying what important elements [I] wanted to see on a sales pipeline". I said that if you were not clear I was sorry about it. **I've been consistent since our first meeting in Houston early July**, when we had this first review of your pipeline. I asked in August to improve margin estimates, lead the delivery of industrial opportunities in Midtex PAR, update all first order dates, validate the pipeline with Breaux (some of the notes I sent you after our discussion). I walked you through the calculations I was making on the pipeline in September when you were pushing back on the aspirational target I was starting to test (50 k gallons a month of new business won on average), looking at probability rate, stage and estimated first order date to understand what should be delivered over the coming quarter. On top of that, I should not have to point out which elements or fields in the pipeline are the important ones: the data you enter in Salesforce has to be accurate and up-to-date, as it is expected from any sales professional.
- When I asked you why you report wins with O'Rourke and the volumes are down, and you report no wins with Breaux and the volumes are up, you were not able to give me an answer – even though I appreciate that you attempted to provide one in your follow-up email. As I was trying to gage your own performance and impact on the business delivery, that's why I enquired about your pipeline again. I agree that we should not have spent that much time on it during your end year review, but I was trying to find a way to measure your impact on the business.
- This goes with another item we discussed during your mid-year review and you did not mention, **the focus on execution which is not meeting my expectations**, for example numerous deadlines missed, lack of follow-up on actions coming out of our monthly discussions, last minute change of plans not properly communicated or forgetting to get your vacation approved in advance. I'm not planning to document those at the moment, but I can if required.

I hope this clarifies.

As mentioned during our review, I believe that you having a **more focused approach on execution should help you to reach your targets** in the future. I hope this feedback will be useful to you as, at the end of September, you were below your volume targets.

Thanks,

Xavier.

**From:** Williams, Carl O SLUBE-DIU/A <[Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)>  
**Sent:** Tuesday, October 29, 2019 12:14 AM  
**To:** Puvilland, Xavier SLUBE-DIU <[Xavier.Puvilland@shell.com](mailto:Xavier.Puvilland@shell.com)>  
**Subject:** EYR Discussion Feedback

Good Evening Xavier,

Based upon our EYR discussion earlier this evening, I thought it would be helpful for me to fill in any gaps and to provide my feedback to aid you in your EYR assessment on me.

As a recently new employee to Shell, it became evident to me that there was not a good transition since my mid-year review in the communication between my direct supervisors on what my deliverables and performance expectations are for the 2<sup>nd</sup> half of 2019.

Per the excerpt highlighted below which is from Eric's feedback from my mid-year review, the focus areas for the 2<sup>nd</sup> half of 2019 were very clear.

With the change in the Leadership team, I believe it will benefit Carl greatly as Xavier will be able to work more closely with Carl.

Focus areas for Carl in 2H:

- Working Leads in Distributor Pipeline w/ ICAM and DSM / DSR's
- Taking Lead on Leads provided by Marketing in upcoming Campaign
- Change the dynamic of sales process with DSR by taking the lead
- Work on Site Assessments at every prospect to coach DSR's
- Continue training on products / applications

I strongly believe that I have executed well on the above as a part of my focus areas from the 2<sup>nd</sup> half to this point.

Although we reviewed my sales pipeline on last Monday 10/21, we still spent the majority of the time I had allotted for my EYR this evening discussing my sales pipeline again. I was very surprised by this and was expecting to mainly discuss my performance and deliverables related to my MYR focus areas but our discussion did not go that way.

Earlier you acknowledged and apologized for not conveying what important elements you wanted to see on a sales pipeline. I thank you for conveying this as I now have an understanding on what elements you would like to see reflected and updated on the sales pipeline. I also look forward to our Salesforce refresh call this Friday to help with this effort.

You also mentioned that you didn't know that the MLT certification training was a part of my training goals and plan, per the attachment this was a part of my 5+3 goals as I presented in my mid-year business review and contributes to the continuous training comments noted on my MYR.

I also realized that I did not capture an earlier win from Breaux in Salesforce during my onboarding period to help explain their volume growth as they were awarded a new 50K gal account named Cameron LNG which was stated during my attached mid-year review. This explains the current volume growth from Breaux that was not captured in my Salesforce pipeline that was shared with you.

In short, despite the fact that my onboarding did not go according to plan, and the apparent discrepancies on my 2<sup>nd</sup> half 2019 expected deliverables according to your expectations of my sales pipeline and account closure rate versus my MYR focus areas, I think we are now on a path and understanding moving forward to know what is expected regarding deliverables and expectations.

I kindly and sincerely ask that you please consider these facts as you formulate your final thoughts on my performance that you must articulate to the organization. My goal is to perform and deliver my very best knowing what my

deliverables and expectations are so that I put you in the best position to represent me and my performance before other leaders within Shell.

I look forward to continuing to get immediate performance feedback along the way as the months progress and your support to help deliver new Shell volume.

Sincerely,

Carl O. Williams, Jr.  
Industrial Business Development Manager  
Shell Lubricants  
Cell: 281-781-6096  
Email: [Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)  
Why choose Shell? Learn more



## Message

**From:** Puvilland, Xavier SLUBE-DIU [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C7F7A3AE9FB04F988567BDA20664E08D-FRXP00]  
**Sent:** 1/28/2020 6:05:01 PM  
**To:** Williams, Carl O SLUBE-DIU [carl.o.williams@shell.com]  
**Subject:** RE: EYR Comments

Carl,

I had a look and made some additional tweaks based on your input, please see below (kind of a mix of both really).

Carl joined Shell in February and started his onboarding process until he started working with his assigned distributors in June. Carl gained about 125k gallons of new business that was delivered through his distributors during the second half of 2019. The overall volume Carl delivered in 2019 was small, but this was partially due to his short tenure in his role; there is however room for improvement in terms of pipeline management, planning and follow-up on actions. For 2020, Carl understands that he needs to quickly demonstrate improvement in those areas and build more trust with his aligned Janus distributors. He needs to develop and execute his market strategy while keeping his sales pipeline in Salesforce up-to-date. Carl's execution in the aforementioned areas, will demonstrate his progress and will help him achieve his 2020 targets.

I'll load into HR online at the same time I close your 2019 GPA.

Thanks,

Xavier.

**From:** Williams, Carl O SLUBE-DIU <Carl.O.Williams@shell.com>  
**Sent:** Saturday, January 25, 2020 2:15 PM  
**To:** Puvilland, Xavier SLUBE-DIU <Xavier.Puvilland@shell.com>  
**Subject:** RE: EYR Comments

Xavier, I made a few tweaks to your comments and pasted it below. May I load the following in HR online so that we can close my 2019 GPA?

Carl joined Shell in February and started his onboarding process until he started working with his assigned distributors in June. Carl gained about 125k gallons of new business that was delivered through his distributors during the second half of 2019. The overall volume Carl delivered in 2019 was small, but this was due to his short tenure in his role. For 2020, Carl understands that he needs to continue to demonstrate improvement in the following areas: pipeline management, IVMS performance, and building more trust with his aligned Janus distributors. He needs to develop and execute his market strategy while keeping his sales pipeline in Salesforce up-to-date. Carl's execution in the aforementioned areas, will demonstrate his progress and will help him achieve his 2020 targets.

All the Best,

Carl O. Williams, Jr.  
 Industrial Business Development Manager  
 Shell Lubricants  
 Cell: 281-781-6096  
 Email: [Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)  
[Why choose Shell? Learn more](#)





**From:** Puvilland, Xavier SLUBE-DIU <[Xavier.Puvilland@shell.com](mailto:Xavier.Puvilland@shell.com)>  
**Sent:** Thursday, January 23, 2020 2:53 PM  
**To:** Williams, Carl O SLUBE-DIU <[Carl.O.Williams@shell.com](mailto:Carl.O.Williams@shell.com)>  
**Subject:** EYR Comments

Carl,

Following our discussion, please find below my write up for your 2019 performance. Let me know if you have any further comments, if not please load it in HR online (if you just copy/paste, you need to use the keyboard shortcut CTRL+V when doing so in the new version of the system...) so that we can close your 2019 GPA.

Carl joined Shell in February and started working with his assigned distributors in June. Those first few months did not yield strong results yet, with about 125k gallons of new businesses delivered through his distributors during this period. This is partially explained by fairly long cycle times in the industrial space Carl is looking after, but there is a significant room for improvement in terms of pipeline management, planning and follow-up on actions. His HSSE performance (IVMS reporting) has improved at the end of the year and this improvement trend has to be sustained going forward. Carl should be able to improve his delivery next year by also building more trust with his assigned distributors, to get more involvement and traction from their sales reps (Midtex in particular). He needs to build a robust pipeline with his distributors and be more focused in its execution to achieve a step change in 2020.

Thanks,

Xavier.